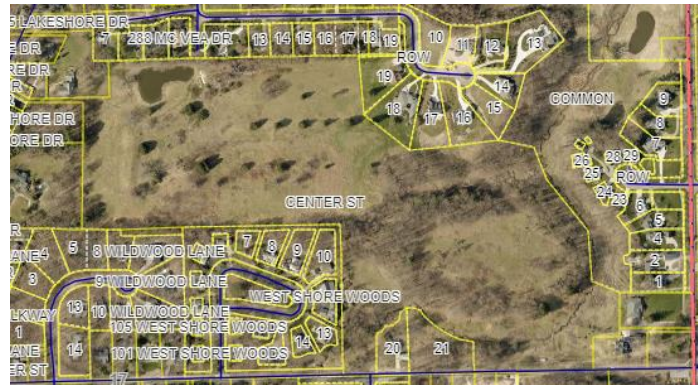


**To:** City of the Village of Douglas Planning Commission  
**Date:** February 12, 2026  
**From:** Sean Homyen, Planning & Zoning Administrator  
**RE:** Westshore PUD Amendment



*The Village of Friendliness – Since 1870*

**Introduction.** Ric Dyk on behalf of BDR Inc. has submitted an application for an amendment to the Westshore Planned Unit Development (PUD) under Sections 27.12 A and 16.24 of the City of Douglas Zoning Ordinance. The amendment includes the preliminary condominium plan for a 41-unit residential development and various changes to dimensional elements that are proposed to be modified from the approved PUD. The subject property is zoned R-1 Planned Unit Development (Westshore PUD) and is located at an unaddressed parcel on Center St (Parcel number: 59-830-000-02).



**Background.** The applicant has provided a detailed narrative that gives context and a historical perspective of the site and its former use as a golf course. It also includes an account of the previous 2009 development proposal from Paul Wicks that never came to fruition. When BDR purchased the land in 2011 (then referred to as Douglas Property Development, LLC), it inherited the history of the site, and submitted a new PUD proposal, named Westshore. The Westshore PUD was approved in 2012 and includes existing residential condominiums and site condominiums, private roads, utilities, and designated open space areas and non-motorized pedestrian pathways, named as the “recognizable benefit” to the community as required in the PUD ordinance. The eastern (Ferry Street frontage/Artisan Row) and northern portions (Golf View Drive) of the PUD have been previously developed, while the western development area remains undeveloped, with the exception of the trails that were constructed in open space areas.

The project has a long history of activity over the years, which includes several other amendments in relation to the location of the trail system. The most recent activity includes the application submitted in 2023 for the amendment to develop the western development area. This plan was reviewed extensively by staff, consultants, and members of the site plan review committee, including fire, police, KLWSA, and the City Attorney. The 2023 plan configuration included an emergency access drive within the 20’ strip of land that connects the subject property to Lakeshore Drive, and main access from McVea Drive. The 2023 proposal did not provide a connection to Center Street, which was a condition of the 2012 PUD approval. A significant amount of time was spent piecing together the history of the project, and the various master deed

amendments, events, meetings, draft plan reviews, and resolutions. Attached to this memorandum is a timeline prepared by the former Planning & Zoning Administrator that provides a summary of the activity over the years related to this project.

The 2023 plan and proposal did not make it to the Planning Commission due to complications with the use of the 20' strip that connected the development to Lakeshore Drive, including pedestrian/vehicle conflicts. The fire department also determined that the units would need to be sprinkled to meet the fire code for the number of homes on McVea and Golf View that were also factored into the requirements for fire access.

It was also determined that there were a few loose ends outlined in various resolutions and in the initial approval of the PUD from 2012 that needed to be taken care of prior to the applicant returning to the Planning Commission for review of the next phase of the Westshore PUD. These items include tasks related to finishing up recording public trail easements, connection with the HOA to gain their blessing on the location of the public trail easements, construction of internal pathways and execution of the maintenance agreement, and the removal of old golf course structures and components. And, most notably, it was conveyed to the applicant that a plan configuration for the western development area must include a connection to Center Street for there to be compliance with the intent and requirements of the approved PUD, and for there to be support from the community, particularly those who live on McVea Drive.

The applicant has worked with staff over the course of the last two and a half years to complete these punch list items, including several revisions to the configuration of the western development area to include the street connection to Center Street. A significant amount of engineering work and costs related to the future construction of infrastructure and a bridge to cross the ravine where the Warnock drain traverses, prompted the applicant to explore ways that the return on investment can still be fruitful while adhering to the original intent and requirements of the approved Westshore PUD. The request includes an amendment to the open space requirement so that enough units could be constructed to achieve the goal described above.

### **Request.**

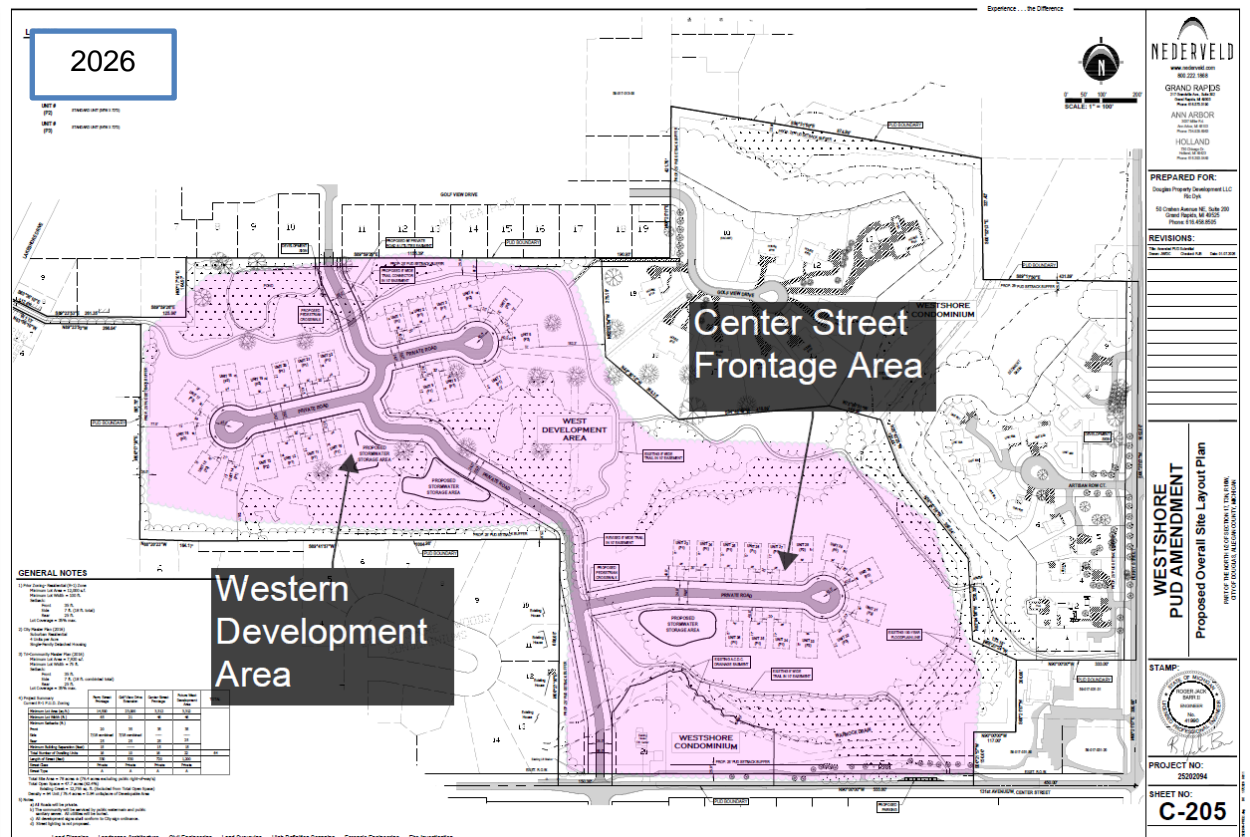
*PUD Amendment.* The applicant is requesting preliminary approval of the PUD for an amendment to allow development of the western portion of the site, which includes a 41-unit residential condominium project and a reduction in the open space as the most prominent features of the amendment. The proposal includes new private roads extending from Center Street to McVea, stormwater management facilities, pedestrian trail connections, and a reconfiguration of open space areas, including a reduction in the previously approved open space requirement from 65% to 60%. The preliminary plans demonstrate approximately 63% open space, with an additional 2% available to allow for minor adjustments if needed during final plan review. As noted in the previous section of this memorandum, this was a necessary change according to the applicant, to make the costs related to the Center Street connection, feasible.

The table below is provided by the applicant to outline the requests to amend portions of the approved Westshore PUD. It should be noted that the street configuration and location of condo units are also considered part of the amendment, since the 2012 approval showed a different layout and number of units, and did not include a layout for the westernmost “future development area”, though densities were established through the test plan that was submitted during that approval process.

<b>Area and Items</b>	<b>Original Approved PUD Plan dated 07/25/12</b>	<b>Proposed PUD Amendment Plan dated 01/07/26</b>	<b>Notes</b>
<i><b>Center Street Frontage Area</b></i>			
Number of Units	20	16	This includes the two existing lots on Center Street
<i><b>West Development Area</b></i>			
Number of Units	60	22	
Open Space Area (acres)	37.7	47.7	This proposed PUD amendment would not reduce the open space below 60%
Total Area (acres)	18.25	46	

*Figure 1: Proposed departures from 2012 approved PUD.*

The 2012 and 2026 PUD configurations are depicted below with development areas highlighted:





*Preliminary Condominium Request.* The request also includes a recommendation on the preliminary condominium plan. The preliminary condominium plan proposes the following site elements:

- 41 total units: 17 units within the Center Street development area (two units accessed and addressed on Center Street – one existing home and other vacant), 24 units within the Western Development area.
- 15' minimum building separation. Preliminary plan provides building envelopes that are spaced 15' apart to allow for custom structures to fit within each while maintaining the minimum building separation.
- 35' setback from private road right of way line to any building.
- Private roads - road configuration includes all private roads extending through the western development area connecting Center Street to McVea Drive and providing access to units via three separate cul-de-sacs.
- Preservation of sensitive lands and existing vegetation within common element areas.
- Crosswalks across the private road at trail crossings.
- Maintaining the 25' setback to the PUD/Condo limits.
- Four on-street parallel parking spaces on Center Street.
- Stormwater management facilities.
- No streetlights or sidewalks are proposed.

**Procedure.** The request is subject to Planned Unit Development, condominium, and site plan review procedures. At the upcoming meeting, the Planning Commission is tasked with reviewing the preliminary PUD amendment plan and preliminary condominium plan and forwarding a recommendation to City Council for consideration. Following review and approval by the City Council of the preliminary PUD and condominium plans, the applicant will return to the Planning Commission for consideration of the final PUD and condominium plans, whereby a recommendation will be made to the City Council for the approval or denial of the final PUD and condominium plan.

It is important to note that this stage of review of the preliminary plans for the PUD amendment and condominium development is intended to be more conceptual in nature, and that detailed engineering and construction details are not required until the review of the final PUD and condominium plans. Section 16.24(5) in the Condominium ordinance points to the site plan requirements for a PUD if the condominium is proposed within a PUD. Section 27.05.D.2 states:

*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.*

The preliminary review stage will establish minimum dimensional requirements such as building

separation, setbacks, circulation patterns, road layout, and open space configuration and percentage. It is also a review of the proposed departures from the approved PUD, including the proposed open space, number of condominium units, residential density, and overall layout.

#### **Preliminary PUD Amendment Review.**

- 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.

**Remarks.** The Zoning Ordinance allows limited flexibility from certain base zoning standards within a Planned Unit Development, subject to Planning Commission recommendation and City Council approval. The applicant is requesting a modest deviation from the required 65% open space standard, representing a 5% reduction. Staff has consulted with the City Attorney, who has indicated that the requested reduction may be legally considered under the PUD provisions of the Zoning Ordinance. Evaluation of this request will occur in the context of the overall design quality and consistency with the intent of the PUD provisions.

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.

**Remarks.** N/A. A test plan was reviewed and approved as part of the original Planned Unit Development approval. The test plan established a maximum allowable density of 108 dwelling units for the site. The proposed PUD amendment does not increase the number of dwelling units beyond the previously approved maximum. The approved test plan is included in the packet for reference, as depicted in screenshots from the original approval materials, along with a unit count summary and narrative comments.

	Ferry Street Frontage	Golf View Drive Extension	Center Street Frontage	West Development Area	TOTAL
Minimum Lot Area (sq ft)	14,500	23,000	3,312	3,312	
Minimum Lot Width (feet)	65	21	46	46	
Setbacks (feet)					
Front	20	35	35	35	
Side	7/18 combined	7/18 combined	----	----	
Rear	25	25	25	25	67
Minimum Building Separation (feet)	15	----	15	15	
Total Number of Dwelling Units	16	10	17	24	
Length of Street (feet)	330	530	720	1,200	
Street Class	Private	Private	Private	Private	
Street Type	A	A	A	A	

### Minimum Area and Density (27.03.02)

The entire PUD includes a total of 78 acres which meets the minimum area requirement of the PUD. The total number of units determined by the Test Plan is 108. The total number of units proposed for the PUD is 67, therefore the overall density of PUD is not exceeding that permitted within the underlying zone district.

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 impractical 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.

**Remarks.** The proposed amendment includes a request to modify the open space requirement established under the original Planned Unit Development approval. The Zoning Ordinance allows limited flexibility from base zoning standards within a PUD, subject to Planning Commission recommendation and City Council approval. The proposed modification represents a 5% reduction from the previously approved open space requirement. Whether this reduction is acceptable will be determined by the Planning Commission and City Council. Compliance with open space configuration, ownership, and maintenance requirements will be evaluated at final PUD and site condominium review.

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.

**Remarks.** The subject property fronts on public streets with adequate capacity to accommodate traffic associated with the development. Based on the preliminary plans submitted, proposed access points comply with the minimum spacing requirements, including separation from street intersections. Detailed review of frontage, access, and compliance with Article 18 of the Zoning Ordinance will occur at the time of final PUD and site condominium approval, at which time any necessary road improvements may be evaluated.

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

**Remarks.** The Zoning Ordinance requires that utilities serving a Planned Unit Development be placed underground where feasible. Compliance with this standard will be reviewed at the time of final PUD and site condominium approval. A condition of approval may be included at the time for the final approval to require that all utilities be installed underground, unless otherwise determined infeasible due to site conditions or utility provider requirements.

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 offset wherever possible. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.

**Remarks.** Based on the preliminary plans submitted, the overall site layout and building orientation appear capable of providing reasonable visual and sound privacy for dwelling units within the development and in relation to surrounding properties. Final review of building placement, window and door orientation, fencing, landscaping, and other privacy-related design elements will occur at the time of final PUD and site condominium approval.

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.

**Remarks.** Based on the preliminary plans submitted, the general configuration of buildings and driveways appears capable of providing adequate emergency vehicle access. Detailed review of emergency access, fire lanes, and compliance with the International Fire Code will occur at the time of final PUD and site condominium approval, subject to 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 TriCommunity Plan.

Met.

**Remarks.** The preliminary plans illustrate a circulation pattern that generally separates pedestrian and vehicular movements and connects to existing and planned streets and pathways in the surrounding area. Final review of pedestrian facilities, vehicular circulation, and consistency with the Tri-Community Plan will occur at the time of final PUD and site condominium approval.

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

Met.

**Remarks.** The proposed buildings are intended to comply with the maximum building height permitted in the underlying zoning district. Final confirmation of building height compliance will

occur at final PUD and site condominium approval.

- 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.

Met.

**Remarks.** The preliminary plans show that the spacing between buildings is 15ft.

- 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.

N/A. No multiple family buildings are being proposed.

- 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.

**Remarks.** The proposed amendment does not indicate encroachment into regulated sensitive natural features, including drainageways, wetlands, floodplains, or other protected areas. Compliance with applicable environmental regulations will be reviewed and confirmed at final PUD and site condominium approval and through any required agency permitting.

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.

Met.

**Remarks.** A buffer zone is provided and identified along the property lines.

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.

**Remarks.** The preliminary plans illustrate on-site parking, including off-street parking for the public trail consisting of four (4) spaces. Detailed review of parking layout, landscaping, and compliance with parking design standards will occur at final PUD and site condominium approval. The Planning Commission shall determine whether a landscaped area should be placed around the parking area.

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.

**Remarks.** The development includes common property intended to remain under private ownership and maintenance. Maintenance responsibilities and long-term obligations for common property, including private streets and recreational amenities, will be addressed through the condominium documents. Final review of ownership, maintenance, and legal assurances will occur at final PUD and site condominium approval, subject to review by the City Attorney.

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.

**Remarks.** Any required easements across privately owned common property for public purposes will be addressed as part of the final PUD and site condominium approval process. Easements will be reviewed and approved prior to recording.

**Section 27.05 Procedures and Requirements.** Section 27.05 provides the required site plan elements to be included in a preliminary PUD plan. The table below outlines these elements and provides an indication of whether they have been provided and any comments.



Requirement	Met?	Comments
a. The legal description of the land.	x	
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.	x	
c. The location and dimensions of existing and proposed property lines and building setback lines.	x	
d. The location and dimensions of existing and proposed buildings.	x	
e. Proposed uses of buildings and other structures.	x	
f. Existing and proposed topographic contours at five-foot intervals.	x	
g. Significant existing vegetation and other significant existing natural features, including floodplains, woodlands, and wetlands.	x	
h. Existing and proposed watercourses and water bodies.	x	
i. Existing public and private streets, and street rights-of-way; existing access easements.	x	
j. Proposed streets drives; curb cuts and access easements; acceleration, deceleration and passing lanes and sidewalks.	x	
k. Existing uses, buildings, structures, driveways and off-street.	x	
l. Proposed off-street parking areas and off-street loading and unloading areas.	x	
m. Existing and proposed public water supply and public sanitary sewage disposal facilities as to the description and location thereof.	x	

n. Proposed storm water management systems, including storm sewers, retention and/or detention ponds, stormwater discharge areas and other storm water management measures as to the description and location thereof.	x	
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.		The development is proposed to be served by public water and sanitary sewer, with underground electric, gas, and communications utilities. Final utility details will be addressed at final approval.
p. Buildings and other facilities for public or community use.		Not being proposed.
q. Proposed areas of landscaping and general types of plantings.	x	
r. Proposed signs as to anticipated locations and the size, height and type thereof.		A development sign is anticipated. The location, size, height, and type of signage will be reviewed at the time of sign permit application.
s. Outdoor lighting, as to be expected locations and the proposed type and height of outdoor lighting fixtures.		Street lighting is not being proposed.
t. Fence, walls and other screening features.	x	
u. Refuse and services areas, including screening measures for trash receptacles.		Not being proposed
v. Open space areas and proposed uses thereof, if	x	

any.		
w. Location of state-regulated wetlands and other wetlands, if any.	x	
x. Tentative elevations views were of front, side, and rear of each building		Building elevations were not provided. Elevations should be submitted prior to City Council review.
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.		A summary of the environmental assessment was provided in the project narrative. A traffic study was not submitted. Given the scale of the proposed development, staff recommends that the Planning Commission determine whether a traffic study should be required prior to City Council review.
<p>4. A written description or summary of the PUD, including the following matters:</p> <p>a. The overall objectives of the proposed PUD. provided. The applicant has provided a detailed narrative that outlines the entire proposal.</p> <p>b. The number, size and basic description of proposed buildings and structures.</p>		The number of buildings and a general description were provided. The Planning Commission will determine whether the building envelope information is sufficient in lieu of individual building footprints.

c. A statement describing how the proposed PUD will promote the intents and purposes of the PUD District.	x	
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.	x	
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.	x	
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).	x	
c. The property tax identification number(s) of the land.	x	A screenshot of the warranty deed included in the narrative identifies multiple parcel numbers. The Planning Commission will determine whether this is sufficient or whether the applicant should provide the full parcel numbers.
d. The name, address, telephone number and email address of the applicant's engineer, land-use planner, architect, land surveyor and other professional consultants.	x	
e. A time-schedule of proposed construction, including the anticipated completion date and proposed phases of development of the PUD.		The applicant anticipates initiating construction in 2026, subject to

		receipt of all required approvals and permits. The PUD amendment includes phased development. Detailed phasing and completion timing will be reviewed with the final PUD and site condominium submittals.
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.	x	
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.		If the preliminary PUD plan is approved, the applicant will be required to return to the Planning Commission and City Council for review and approval of a final PUD plan, in accordance with Section 27.05 of the Zoning Ordinance.

## Preliminary Condominium Review.

### Section 16.24 Condominiums

(4) APPLICATION FOR CONDOMINIUM APPROVAL. An application for condominium approval shall include the following information:

(a) A condominium project plan which includes the documents and information required by Section 66 of the Condominium Act.

**Remarks.** A draft Master Deed, condominium bylaws, and conceptual preliminary plans were provided.

(b) To the extent it is not already included in the condominium project plan, the following information shall also be provided:

(i) The information required for site plan review by Article 24 of this Ordinance.		An Article 24 checklist was provided identifying items submitted and items deferred. The Planning Commission may determine whether additional information should be required prior to City Council review. Section 27.05 Procedures and Requirements outlines the requirements for the preliminary plan.
(ii) Layout and dimensions of each condominium building, and the building envelope for such building. The condominium project plan for all types of condominium developments, whether containing detached or attached units, shall depict a building		The applicant has provided information illustrating the general unit arrangement within the proposed



envelope around each building so as to demonstrate compliance with the minimum lot area requirement, the minimum lot width requirement, and the minimum building setback requirement of the zone district in which the building is located, and where applicable, the building placement and separation requirements of the zone district in which the building is located; provided, however, that if the condominium is a planned unit development under Article 27, the City Council, upon recommendation of the Planning Commission, may approve departures or modifications in the requirements stated in this subparagraph (ii), under the terms of Article 27 of this Ordinance and accordingly, the condominium project plan may depict any such requested departures or modifications.		condominium buildings. Detailed building layouts, floor plans, and architectural elevations are not required at the preliminary stage and will be reviewed during final PUD approval and/or building permit review. Building envelopes have been provided that will establish the boundaries of the structural elements of each unit.
(iii) Written approval of the proposed design and location of the entrance to the condominium development from the Allegan County Road Commission as applicable.		N/A. The proposed entrance connects to City-owned public streets (Center Street and McVea) and does not involve access from a county road.
(iv) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed including a copy of the draft master deed and by-laws.		Provided through the draft Master Deed and condominium bylaws.
(v) A storm drainage and a storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.	x	
(vi) A utility plan showing all water and sewer lines and easements to be granted to the	x	

appropriate municipality or public utility for installation, repair and maintenance of all utilities.		
(vii) A narrative describing the overall objectives of the proposed condominium project.	x	
(viii) A narrative describing the proposed method of providing potable water supply, and sanitary sewage disposal facilities and other utilities.		
(ix) private streets, if any, within the proposed condominium project.	x	

**Standards of Preliminary Condominium approval.** Section 16.24 (7) outlines the standards that must be met for the preliminary condominium plan to be approved. These standards are below, along with staff's remarks:

- (a) The plan shall satisfy the standards and requirements for site plan approval in Article 19 of this Ordinance, except that if the condominium project is proposed as a Planned Unit Development, subparagraph (b) shall apply, rather than this subparagraph (a).
- (b) If the condominium project is proposed as a Planned Unit Development, the plan shall satisfy the standards and requirements for approval in Article 27 of this Ordinance.

**Remarks.** This was previously approved as a Planned Unit Development. Through the amendment process they are still required to follow the requirements of Article which was covered in the memorandum.

- (c) The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layouts and design, or other aspects of the proposed project, shall comply with all requirements of the Condominium Act or other applicable laws, ordinances or regulations. The Zoning Administrator, City Planner, City Attorney, City Engineer, City Fire Chief, Kalamazoo Lake Sewer and Water Authority, Allegan County Drain Commission or other appropriate persons shall be consulted as necessary to make this determination.

**Remarks.** Review by appropriate City staff and agencies will occur as part of final approval.

(d) Each condominium building shall comply with all applicable provisions of this Ordinance, including, but not limited to, minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height and other minimum provisions of the applicable zone district; provided, however, that if a condominium building is located in a planned unit development under Article 27, the City Council, upon recommendation of the Planning Commission, may approve departures or modifications in the requirements stated in this subparagraph (d), under the terms of Section 27.4 of this Ordinance.

**Remarks.** The applicant is only requesting and reduction from the open space requirement.

(e) If a condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Allegan County Road Commission.

N/A, no public streets are being proposed.

- (f) Private streets may be permitted to provide access to and throughout a condominium project, subject to the following requirements:
- (i) All private streets shall comply with Section 18.02 of this Ordinance.

**Remarks.** Private streets are proposed and will remain under private ownership and maintenance. Section 18.02 will be reviewed at the time of final condominium approval. The City is not in a position to accept additional public streets. Given the street's configuration as a through connection, it may function as a route used by the general public. The Master Deed and Bylaws should clearly define access rights, maintenance obligations, and responsibility for the private street.

- (ii) Provisions in the Master Deed and Bylaws shall obligate the developer and/or owner's association to assure that all the

private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe for travel at all times. The Master Deed and/or Bylaws shall also include a provision indemnifying and holding the City harmless from any and all claims for personal injury and for property damage arising out of the failure to properly construct, maintain, repair and replace the private streets.

Provided.

(g) Each unit in the condominium project shall be provided with public utility services in accordance with City requirements.

**Remarks.** Each unit is proposed to be served by public utilities in accordance with City requirements.

**Final Thoughts.** The Planning Commission should consider whether a traffic study is warranted based on the number of dwelling units proposed as part of the PUD amendment.

As noted earlier in this memorandum, Section 27.05(D)(2) does not require construction-level details at the preliminary PUD stage. While the proposal also includes a site condominium component subject to Section 16.24, staff finds that detailed construction plans and building-level information may be appropriately deferred to the final PUD and site condominium approval stage.

If the Planning Commission determines that additional information is necessary to adequately evaluate the preliminary requests, including items identified under Article 27 or Section 16.24, such information may be required as a condition of preliminary approval. Recommended conditions of approval are provided below.

**Recommendation.** At the upcoming meeting, the Planning Commission will review the preliminary PUD amendment and preliminary condominium plans. Commissioners should consider the information provided in this report, along with comments from the applicant and the public.

If the Planning Commission determines that the preliminary plans adequately address the intent and standards of the PUD ordinance, staff recommends forwarding a recommendation of approval or approval with conditions to City Council. If additional information, clarification, or plan revisions are necessary to evaluate the proposal, staff recommends the item be tabled or referred back to the applicant prior to further consideration.

## **Suggested Motion**

I move to recommend to City Council **[approval / approval with conditions / denial / tabling]** of the preliminary Planned Unit Development amendment plan and preliminary condominium plans submitted by Ric Dyk on behalf of BDR Inc. for the Westshore Planned Unit Development, pursuant to Article 27 and Section 16.24 of the City of the Village of Douglas Zoning Ordinance, based on the findings outlined in this staff report for the parcel identified as P.P. 59-830-000-02, located on Center Street subject to the following conditions:

1. The applicant shall submit building elevations sufficient to evaluate overall building massing and confirm general compliance with maximum height standards prior to City Council review.
2. The applicant shall revise all plans and narrative to indicate reference to the City of the Village of Douglas Master Plan (2024) to replace all references to the Tri-Community Master Plan and the 2016 Master Plan, prior to the City Council's consideration of the preliminary PUD amendment plan and preliminary condominium plan.
3. The applicant shall revise the dimensional details to include setbacks relevant to the limits of the PUD, to the road right of way, and separation distances between units, rather than front, side, and rear yard setbacks, prior to the City Council's consideration of the preliminary PUD amendment plan and preliminary condominium plan.

Please feel free to reach out with any questions.