

To: City of the Village of Douglas Planning Commission
Date: October 2, 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 Article 27 of the City of Douglas Zoning Ordinance. The amendment proposes to adjust the boundaries of the existing Westshore PUD by removing the remaining undeveloped portion of the property from the PUD. The area previously referred to as the “western development area” is the parcel that is proposed to be removed from the PUD. The site plan identifies the parcel as, “Proposed Area to be Removed from PUD”. As a result of the modification of the boundary, the open space and buffer area on a portion of the remaining previously developed PUD is also being requested for a modification.



Background and Request. The subject property is zoned R-1 Planned Unit Development (Westshore PUD). The area to be removed from the PUD is located at an unaddressed parcel on Center Street (Parcel Number: 59-830-000-02). The existing developed portion of the Westshore PUD consists of traditional condo and site condominium units, private streets, open space, and private use trails and associated easements. The western development area remains largely undeveloped, with the exception of the public use trails constructed within the easements.

On April 9, 2026, the Planning Commission reviewed the preliminary PUD amendment and condominium plan and forwarded a favorable recommendation to City Council. The applicant did not proceed to City Council for consideration of final approval.

Since that time, the applicant was approached by a potential buyer for the property who has expressed an interest in being the sole owner of the land. After several internal meetings to discuss the feasibility of disassociating the western development area from the developed portion of the PUD, the applicant now requests an amendment to adjust the boundaries of the Westshore PUD, and by default, must request for an amendment to the approved 65% open space, and removal of the 25' buffer from the requested boundary of the PUD on lots 16-21 along Golf View Drive.

PUD Boundary. The submitted plans identify the existing Westshore PUD as approximately 78

acres. The proposed amendment would remove approximately 46 acres of the remaining undeveloped property from the PUD, resulting in an amended Westshore PUD of approximately 32 acres. The existing and proposed PUD boundaries are identified on the submitted plans.

The proposed boundary adjustment would establish new exterior boundaries for the Westshore PUD and would affect the amount and configuration of open space, common property, and other features associated with the existing PUD. As a result of the modification to the boundary of the PUD, the lots on Golf View that abut the western development area, that weren't previously subject to the 25' buffer required between all PUD boundaries, would not have an avenue to place a 25' buffer between the proposed revised boundary and the area to be removed from the PUD.

The Planning Commission should consider whether the proposed amended PUD boundary appropriately accounts for the improvements, open space, common property, easements, and other obligations that are intended to remain associated with the Westshore PUD.

Open Space. The proposed amendment would modify the amount and configuration of open space within the Westshore PUD. The submitted plans identify the proposed amended PUD as approximately 32 acres and provide a revised open space calculation of approximately 13.47 acres, or 42% of the amended PUD. Section 27.04(8) requires a minimum of 65% open space based on the maximum lot coverage permitted within the R-1 underlying zoning district. The proposed 42% open space would require consideration of a modification to the open space requirement under the regulatory flexibility provisions of Section 27.04(5). Sheet C-205 identifies the open space that would remain within the amended PUD. The Planning Commission should consider the proposed modification to the open space requirement along with the configuration, accessibility, ownership, and maintenance of the remaining open space.

The Planning Commission may recall that the open space requirement was also discussed as part of the previous Westshore PUD amendment request. At that time, the applicant requested a modification from 65% to 60% in connection with the previously proposed residential condominium development. The current amendment would result in approximately 42% open space within the amended PUD boundaries.

The amendment does not include any new dwelling units, buildings, streets, parking areas, or other improvements within the portion of the PUD that would remain.

Procedure. The Planning Commission is tasked with the review the proposed PUD amendment and making a recommendation to the City Council. The rezoning of the land to be removed is requested to be reviewed concurrently with the request to amend the PUD, however, action on the rezoning will be in a separate motion. The rezoning is a necessary step to fully remove the land from the PUD, and, as outlined in the other memorandum specific to the rezoning request, the land is proposed to be rezoned back to R-1, the current underlying zoning district. The rezoning request is also addressed in a separate memorandum.

Design Standards. Section 27.04 outlines the design standards for a PUD. Since not all the design standards come into play due to the nature of the request, the following areas have been identified as the primary considerations associated with the request to amend the PUD.

Public Trail and Pedestrian Circulation. No new pedestrian or vehicular circulation improvements are proposed as part of the current PUD amendment. The existing developed portions of the Westshore PUD will continue to utilize the existing pedestrian pathways, private streets, and circulation system.

Portions of the existing public trail extend through the property proposed to be removed from the PUD. The existing public trail will remain, and the associated easement will remain in place following the proposed PUD boundary amendment. Therefore, although portions of the property containing the trail would no longer be located within the PUD, the existing public trail connection and associated easement will be maintained. The City Attorney is working with the applicant to identify if any changes will be necessary to the recorded easement documents.

Utilities. No new utility improvements are proposed within the remaining Westshore PUD as part of the current amendment. Existing developed portions of the PUD will continue to be served by the existing utilities.

The property proposed to be removed from the PUD may require additional connections or extensions to existing utilities depending on any future development of the property. Any necessary utility improvements would be determined based on the development proposed for the property at that time.

Privacy and Buffering. The proposed amendment would establish new exterior PUD boundaries adjacent to portions of the existing developed area. Section 27.04(19) requires a twenty-five (25) foot natural vegetation, planted, or landscaped buffer along the exterior boundaries of a PUD. The intent of this buffer is to provide a visual barrier between proposed PUD developments and the adjacent property.

Sheet C-205 appears to provide a considerable amount of existing natural vegetation along the proposed new PUD boundaries that exceeds the required twenty-five (25) foot buffer. The existing vegetation within the open space abutting all the units with the exception of lots 16-19 on golf view, continue to maintain this buffer. The proposed boundary of the PUD follows the property lines of the site condominium units, which directly abut the land to be removed from the PUD. These lots adhere to a 25' setback, where no buildings can be placed. This 25' "no-build" space already built into these units may suffice as the buffer, if the Planning Commission views this as an adequate substitution for the 25' buffer on those lots. The Planning Commission has the authority to reduce this dimensional requirement as part of the regulatory flexibility.

Common Elements. Sheet C-205 identifies the common elements and open space that would

remain within the developed property within the proposed PUD boundaries. The ownership and maintenance responsibilities for the common property are addressed through revisions to the applicable condominium documents to reflect the amended PUD boundaries and ensure the continued ownership and maintenance of the common property. The maintenance responsibilities for the common elements will not be changed as a result of the boundary modification, with the exception of the removal of the western development area as open space/common elements that must be maintained.

Existing PUD Obligations. The Westshore PUD has been subject to previous approvals, amendments, and associated documents establishing improvements and obligations applicable to the development. The proposed removal of approximately 46 acres from the PUD does not, by itself, establish whether existing easements, recorded restrictions, condominium documents, maintenance responsibilities, or other obligations affecting the property are modified or terminated. Any existing documents or obligations affected by the proposed boundary amendment shall be identified and revised as necessary to reflect the amended PUD, subject to review by the City Attorney.

Standards of Approval

In consideration of the proposed amendment to the Westshore PUD, the Planning Commission should consider the Standards of Approval contained in Section 27.06. The standards are provided below along with staff remarks regarding the proposed PUD amendments.

- A. The PUD will result in a recognizable and substantial benefit to the residents of the PUD and the City, and such benefit would otherwise be unlikely to be achieved.

Remarks. The existing Westshore PUD was originally approved with designated open space, pedestrian pathways, and other improvements intended to provide a recognizable benefit to the residents of the PUD and the City. The proposed amendment would reduce the overall boundaries of the PUD from approximately 78 acres to approximately 32 acres. The existing public trail and associated easement extending through the property proposed to be removed will remain.

The Planning Commission should consider whether the Westshore PUD, as amended, will continue to provide a recognizable and substantial benefit to the residents of the PUD and the City, particularly through the remaining open space, public trail system, and other existing PUD improvements.

- B. The PUD will not result in an undue burden on available public services, facilities or utilities.

Remarks. The proposed amendment does not include any additional dwelling units or new development within the remaining Westshore PUD boundaries and is not anticipated to create additional demand on public services, facilities, or utilities within the PUD. Existing developed portions of the PUD will continue

to be served by existing utilities and public services.

Any improvements to the property to be removed would be evaluated as part of any future development proposal for that property.

- C. The PUD will comply with the land use designations for such lands in the future land use map of the Master Plan; the PUD will otherwise be consistent with the intent and purposes of this Chapter, and the Master Plan.

Remarks. The proposed amendment would reduce the boundaries of the existing Westshore PUD but would not change the existing residential development within the portion of the PUD that would remain. The Planning Commission should consider whether the amended PUD remains consistent with the applicable Future Land Use designation and the goals and objectives of the Master Plan.

- D. The PUD satisfies the development requirements of Section 27.04.

Remarks. The proposed amendment does not include new buildings, dwelling units, streets, parking areas, or other development within the remaining PUD. The primary Section 27.04 requirements affected by the amendment are the PUD boundaries, open space, buffering, common property, pedestrian circulation, and easements. The proposed amended PUD would contain approximately 13.47 acres, or 42%, of open space compared to the 65% open space requirement of Section 27.04(8). The proposed open space percentage would require consideration of a modification under the regulatory flexibility provisions of Section 27.04(5).

- E. The PUD will not result in significant adverse effects upon adjacent or nearby lands.

Remarks. The proposed amendment does not include new development within the remaining Westshore PUD. However, the amendment would establish new exterior PUD boundaries adjacent to existing developed portions of the PUD. Existing natural vegetation

- F. The PUD will not alter wetlands, steep slopes or other natural features except as approved for essential services or as otherwise permitted in the PUD.

Remarks. No new buildings, grading, site improvements, or other physical development within the remaining PUD are proposed as part of the current amendment. Therefore, the amendment does not propose alterations to wetlands, steep slopes, or other natural features within the remaining PUD.

- G. Buildings and structures will be suitably located and arranged, with adequate setbacks and convenient access points.

Remarks. No new buildings or structures are proposed within the remaining Westshore PUD, and the locations of existing buildings and structures are not proposed to change. Existing access

serving the developed portions of the PUD will also remain.

- H. The number, location and size of access points for the PUD, and internal traffic and pedestrian circulation routes are designed to promote safe and efficient access to and from the PUD and circulation within the PUD.

Remarks. No new streets, access points, or internal vehicular circulation improvements are proposed within the remaining PUD. Existing developed portions of the PUD will continue to utilize the existing street and circulation system. The existing public trail extending through the property proposed to be removed from the PUD will remain, and the associated easement will remain in place. Therefore, the existing public trail connection will continue following the proposed boundary amendment.

- I. Storm water detention and drainage systems will be designed so that the removal of surface waters will not adversely affect lands in the PUD or adjacent or nearby lands. The final PUD plan shall demonstrate compliance with the City Storm Water Ordinance.

Remarks. No new development or stormwater improvements are proposed within the remaining Westshore PUD as part of the current amendment. Existing stormwater facilities serving the developed portions of the PUD are not proposed to be modified.

- J. Landscaping in the PUD will be in accordance with City landscape requirements or as they may be modified in the approval of the PUD.

Remarks. No new development requiring additional landscaping is proposed within the remaining PUD. However, the proposed amendment would establish new exterior PUD boundaries.

- K. Outdoor lighting will be designed to minimize glare on adjacent lands and streets and will otherwise be designed, installed and operated in compliance with City requirements, or as otherwise approved in the terms of the PUD ordinance.

Remarks. No new outdoor lighting or modifications to existing lighting within the remaining PUD are proposed as part of the current amendment.

- L. Sanitary sewer and water supply facilities will comply with City and other applicable requirements.

Remarks. No new sanitary sewer or water supply improvements within the remaining PUD are proposed as part of the current amendment. Existing developed portions of the PUD will continue to utilize the existing water and sanitary sewer systems. Any additional utility connections or improvements necessary to serve future development of the property proposed to be removed from the PUD would be reviewed as part of a future development proposal for that property.

M. Signs in and for the PUD will comply with applicable sign requirements, including such modifications as may be permitted in the approval of the PUD.

Remarks. No new signs or modifications to existing signs within the Westshore PUD are proposed as part of the current amendment.

N. Off-street parking areas and facilities will comply with applicable City requirements, including such modifications as may be permitted in the approval of the PUD.

Remarks. No new parking areas or modifications to existing parking facilities within the remaining Westshore PUD are proposed as part of the current amendment.

Final Thoughts. The current request represents a change from the PUD amendment previously reviewed by the Planning Commission that proposed the 41 condominium units. While the buyer for the undeveloped land proposed to be removed from the PUD hasn't committed to any specific development plans, our discussions with the applicant, the buyer's agent and representatives, and the buyer himself have centered around much lower impact uses and residential density. It is staff's understanding that the buyer may pursue some metes and bounds splits for the purpose of locating family homes and some personal recreational amenities. There is, however, no obligation for the buyer to develop the property into anything that was verbalized to staff, rather, any future development would be limited to the land uses and residential densities permitted in the R-1 zoning district. The buyer is aware that the public trails are important to the community and that they will need to remain unobstructed on the land. The buyer is also aware of requirements to cross the Warnock drain with a driveway or private road off Center Street.

Recommendation. At the upcoming meeting, the Planning Commission will review the PUD amendment and consider the information provided in this report, along with comments from the applicant and the public at the public hearing. If the Planning Commission determines that the proposed amendments adequately address the intent and standards of the PUD ordinance, staff recommends forwarding a recommendation of approval 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 Planned Unit Development amendment submitted by Ric Dyk on behalf of BDR Inc. for the removal of the western development area resulting in the modification of the PUD boundary, reduction in open space to 42%, and the relief from the 25' buffer from units 16-21 for the Westshore Planned Unit Development, pursuant to Article 27 of the City of the Village of Douglas Zoning Ordinance, based on the findings outlined in this staff report, and subject to the following conditions:

1. The applicant shall make any necessary revisions to the master deed and Exhibit B drawings for the remaining condominium areas within the Westshore PUD, and for the removal of the western development area from the PUD boundaries, subject to the review

by the City Attorney.

2. The applicant shall make any necessary revisions to the recorded open space easement documents associated with the Westshore PUD, subject to the review by the City Attorney.
3. The amendment to remove the western development area from the PUD is subject to an approval of the rezoning of the land within the western development area from PUD to a zoning district that aligns with the City's future land use plan in the Master Plan.
4. The applicant shall have paid any required escrows and complete any obligations subject to performance guarantees prior to being reimbursed for said escrows or performance guarantees.

Please feel free to reach out with any questions.