

To: City of the Village of Douglas Planning Commission
Date: May 2, 2025
From: Sean Homyen, Planning & Zoning Administrator
RE: **The Boardwalk at Swingbridge – Amendment to Approved Condominium and Site Plan**



The Village of Friendliness – Since 1870

Request. Dave Contant on Behalf of BDR Inc. has submitted an application for amendment to the approved Boardwalk at Swingbridge condominium site plan under Section 16.24(11)(c) for the property at Swingbridge Condominiums, generally located just north and west of the Blue Star Highway/Union Street intersection, located in the R-4 Harbor Residential District. The applicant seeks to complete the remaining improvements associated with the approved



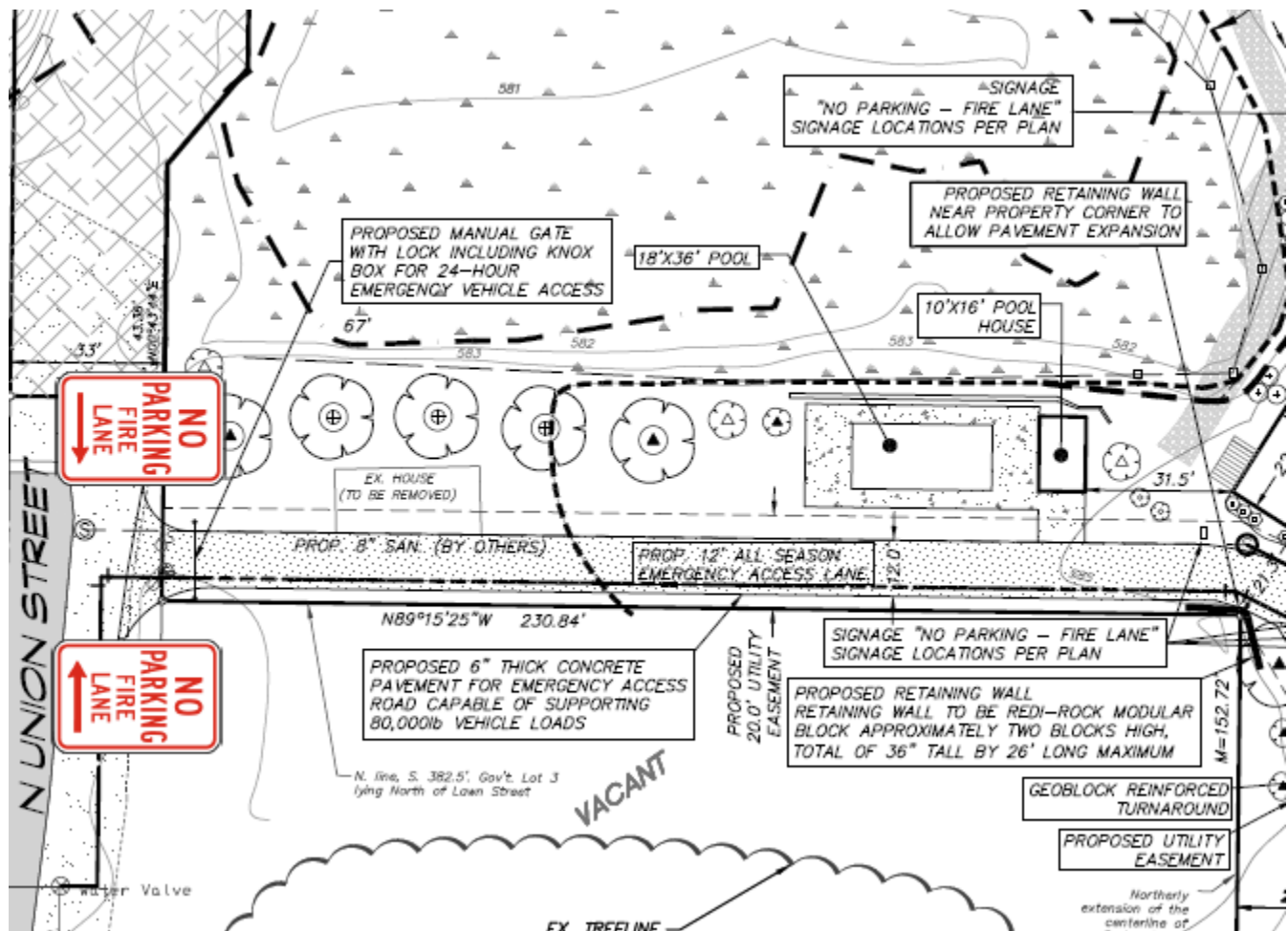
The Boardwalk at Swingbridge Condominiums Ariel View

condominium plan, such as the fire emergency lane, minor change to the pool area, construct a in-g round pool, all of which were part of the Consent Judgement approval. The applicant also seeks a change to the approved plan, which includes the addition of a pool house, and the elimination of the private interior boardwalk.

Background. Before BDR Inc. acquired the Boardwalk at Swingbridge Condominium, the City and the previous developer entered into a consent judgment as part of ongoing litigation. The lawsuit stemmed from the fact that the development had not received final approval from the City. The plaintiffs argued that the failure to either approve or deny the development application constituted a violation of both the Michigan and United States Constitutions, as well as the Michigan Zoning Enabling Statutes. The consent judgement served as the approved site plan and allowed the previous developer to construct a total of 16 residential condominium units, public boardwalk, private boardwalk, and other recreation amenities such as a swimming pool, and future connection to Union Street. The consent judgement is included in the packet for the Planning Commission's reference. Since the consent judgement went into place, the private boardwalk has been installed, and the sixteen units have been built and granted occupancy.

Procedure. Since BDR Inc. is requesting major changes to the site, an amendment to the consent judgment is required. The existing consent judgment is tied specifically to the site plans included as Exhibit B, and only minor modifications are permitted without an amendment per Section 5. of the consent judgement. Section 16 of the consent judgement states that in order to amend the consent judgment, both parties (the City and the developer) must agree to the proposed changes.

The Planning Commission is responsible for reviewing the request and making a recommendation to City Council. Following the Planning Commission's recommendation, City Council will consider the site plan amendment and the associated agreement to the changes. Council may approve, deny, or table the request by resolution. If approved, the developer must then petition the district court to formally amend the consent judgment, which must be recorded.



Emergency Lane. The Fire Department and I met on site and also held a Zoom meeting with BDR to discuss the emergency access lane. The majority of the Fire Department's concerns have been addressed, and their review is included in the packet. It should be noted that the setback distance from the emergency access road to the property was not provided. This will need to be

addressed at the meeting. The Fire Department did have one additional request, which is for the developer to install 'No Parking – Fire Lane' signs with directional arrows along the Union Street side to prevent boats and trailers from parking there. This was added as a condition per Fire Departments request.

Private Boardwalk. As mentioned in the narrative provided by the applicant, feels that the removal of the internal boardwalk was due to privacy concerns, accessibility and impact on the common area landscaping. I have met with one of the residents from the condominium. They had privacy and safety concerns about the private boardwalk that goes behind their property that leads to the public board walk and private pool area. They are supportive in the elimination of the private boardwalk. The removal of the private boardwalk would be considered acceptable due to privacy concerns and since that the developer and resident have come to agreement with the removal. The residents' concerns about safety and privacy are valid, and eliminating the boardwalk would help address these issues while maintaining the integrity of the common areas. This solution seems to align with the goal of ensuring a safe and private living environment for all residents.

Landscaping. There have been notable changes to the landscaping plan compared to the site plan attached to the consent judgement. The proposed site plan now contains no shrubs around the pool area, but now consists of 3 shrubs around the pool house. The trees around units 12 and 13 are now removed. Based on the proposed site plan, more plants have been added around the units of the condominiums. The Planning Commission can determine if these changes are acceptable.

Swimming Pool Area. The swimming pool is now geometric compared to the previously approved free form pool. The original site plans shows that the pool house as optional. The developer now would like to construct the pool house as an amenity to the residents using the pool. . A condition has been added to ensure that the pool and the pool house will be constructed per approved site plan.

Drainage. On May 2, 2025, the City Engineer, the DPW team, and I conducted a site visit after receiving a report of an open drain running from Union Street to Kalamazoo Lake. Following the visit, the City Engineer determined that a culvert must be installed beneath the emergency lane. Additionally, the drainage swale along Blue Star Highway had not been installed and will need to be addressed. A public utility easement and a drainage easement must also be recorded for the culvert located on the Swingbridge property. The City Engineer has provided a memorandum outlining the full details and recommendations from the site visit.

Final Thoughts. The applicant does have the ability to move forward with the swimming pool, and emergency access road as they are required to be built. If the City Council approves the requested amendments, the Applicant will need to continue the process of the amendment of the consent judgement to eliminate the private boardwalk.

Recommendation. At the upcoming Public Hearing, the Planning Commission will review the site plan amendment and carefully consider the information presented in this report, as well as comments from the applicant and the public. The Planning Commission should carefully review the documents provided in the packet. If the Planning Commission concurs with the changes being requested, staff recommends that the Planning Commission provide a favorable

recommendation to City Council for the approval of the request to amend the site plan, subject to the conditions shown in the suggested motion below.

Suggested Motion. I move to recommend the [approval / approval with conditions / denial] of the request made by Dave Contant of BDR Inc. for amendment to the approved Boardwalk at Swingbridge condominium site plan under Section 16.24(11)(c) for the property at Swingbridge Condominiums, generally located just north and west of the Blue Star Highway/Union Street intersection, based on the findings outlined in the staff report dated May 2, 2025, on the parcel identified as PPN 59-670-000-00/59-016-024-00, subject to the following conditions:

1. Install “No Parking Fire Lane” signs with arrows at the Union Street side of the emergency lane.
2. The applicant shall obtain a zoning permit prior to building the pool, pool house, emergency access lane.
3. The applicant shall obtain a building permit from MTS before commencing construction.
4. The Emergency Access Lane must be constructed in accordance with the site plan (Project No. 2420157, Sheet C-205) and shall be completed by 11/30/2025, with a final inspection conducted by the Zoning Administrator and City Engineer.
5. The pool, pool house shall be constructed in accordance with the approved site plan (Project No. 2420157, Sheet C-205) and completed no later than 11/30/2025.
6. Landscaping shall be constructed in accordance with the approved site plan (Project No. 2420157, Sheet C-205) and completed no later than 11/30/2025.
7. The culvert shall be installed beneath the emergency access lane to allow water to flow north toward Kalamazoo Lake, in accordance with the City Engineer's memorandum. The installation shall be completed by 11/30/2025.
8. The Drainage Swale shall be constructed per approved utility site plan (Project No. 06200300, G2.10, dated 10/9/11) and shall be completed by 11/30/2025 and to be inspected by the City Engineer.
9. Prior to recording the public utility and drainage easement agreement, the agreement shall be reviewed by the City Attorney. The developer shall record the public utility and drainage easement agreement for the culvert located on the Swingbridge property as no later than 11/30/2025.

Please feel free to contact me with any questions or concerns.