

To: City of the Village of Douglas City Council
Date: May 29, 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 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.



The Boardwalk at Swingbridge Condominiums Ariel View

Background. Before BDR Inc. acquired the Boardwalk at Swingbridge Condominium, the City and the previous developer entered into a consent judgment as part of to resolve a legal dispute. The plaintiffs (previous developer) 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 public 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.

At the May 8, 2025, Planning Commission meeting, the Planning Commission made a favorable recommendation with conditions to the City Council to approve the request. At the June 2, 2025 City Council meeting, Council will consider the final condominium plan amendments. . 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.

Updates: BDR has provided staff with an updated site plan that includes the setbacks for the pool, pool house, and emergency lane. The Fire Department also submitted an updated memo clarifying the reasoning behind relocating the emergency lane toward the southern property line. The updated site plan and Fire Department's memo are included in the packet.

Recommendation. At the upcoming meeting, Council 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. Council should carefully review the documents provided in the packet. If the Council concurs with the changes being requested, staff recommends that Council approve the request to amend the final condominium plan, subject to the conditions recommended by the Planning Commission and additional conditions shown in the suggested motion below.

Suggested Motion. *I move to [approve / approve with conditions / deny] 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 generally located just north and west of the Blue Star Highway/Union Street intersection, and to adopt Resolution 14-2025, based on the findings outlined in the staff report dated May 29, 2025, on the parcel identified as PPN 59-670-000-00/59-016-024-00, subject to the following conditions:*

- 1) Applicant shall have demonstrated to the reasonable satisfaction of the City attorney that the Applicant has secured any Co-owner and mortgagee approvals, if any, as are required by the Condominium Act or Master Deed for the recording of an Amendment to the Master Deed and Replat of the Condominium Subdivision Plan consistent with the approved Requested Changes and the Revised Site Plan, prior to the joint submission of a proposed Order Amending the Consent Judgment for entry by the Allegan County Circuit Court.
- 2) The City Attorney shall have approved the final Amendment to the Master Deed and Replat of the Condominium Subdivision Plan prior to the joint submission of a proposed Order Amending the Consent Judgment for entry by the Allegan County Circuit Court. authorized in the following paragraph 3). Upon its recording in the office of the Allegan County Recorder, Applicant at its expense may cause the Amendment to the Master Deed and Replat to be recorded in the office of the Allegan County Recorder and shall provide to the City without charge a recorded copy within ten (10) days of its recording.
- 3) The City Manager is hereby authorized to join with the Applicant in requesting that the Allegan

County Circuit Court amend the Consent Judgment entered in Case No. 08-42855-CZ, to approve the City-approved Requested Changes and Revised Site Plan. Upon entry of such Order, the Applicant at its expense shall cause the Order to be recorded in the office of the Allegan County Recorder and shall provide to the City without charge a recorded copy thereof within ten (10) days of its recording.

- 4) The applicant shall submit revised drawings incorporating the recommendations of the City Engineer.
- 5) Install “No Parking Fire Lane” signs with arrows at the Union Street side of the emergency lane.
- 6) The applicant shall obtain a zoning permit prior to building the pool, pool house, emergency access lane.
- 7) The applicant shall obtain a building permit from MTS before commencing construction.
- 8) The Emergency Access Lane must be constructed in accordance with the site plan (Project No. 2420154, Sheet C-205) and shall be completed subject to the ruling of the court of the consent judgment with a final inspection conducted by the Zoning Administrator and City Engineer.
- 9) Landscaping around the pool shall be constructed in accordance with the original consent judgement site plan and completed subject to the ruling of the court of the consent judgment.
- 10) 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 subject to the ruling of the court of the consent judgment.
- 11) The Drainage Swale shall be reconstructed along the drainage easement per approved utility site plan (Project No. 06200300, G2.10, dated 10/9/11) and shall be completed subject to the ruling of the court of the consent judgment and to be inspected by the City Engineer.
- 12) The developer shall enter into a stormwater maintenance agreement for the culvert, and a water and sanitary sewer utility easement agreement, subject to the ruling of the court of the consent judgment.
- 13) Insofar as in conflict with this Resolution, any prior Council resolutions in conflict with this Resolution are deemed rescinded and revoked by the adoption of this Resolution.
- 14) Subject to the conditions stated above, this Resolution shall take effect immediately upon City Council approval.

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