

To: City of the Village of Douglas City Council
Date: June 17, 2024
From: Sean Homyen, Planning & Zoning Administrator
RE: 6825 Wiley Road – Zoning of Annexed Parcel



The Village of Friendliness – Since 1870

Background. The parcel located at 6825 Wiley Road is a 16.77-acre (73,0501.2 square feet) parcel that the City of Douglas purchased from a private resident and annexed and from Saugatuck Township in 2013. The parcel was originally planned for the construction of a new DPW building, however, this plan never came to fruition and continues to be vacant.

The procedure to annex land from another jurisdiction is outlined in the Home Rule City Act (Public Act 279 of 1909). Section 16.05 of the Zoning Ordinance further provides procedures for the zoning of land that the City annexes. Section 16.05, Zoning of Annexed Lands states:

Whenever any portion of any township becomes a part of the City or whenever any territory is annexed to and becomes part of the City, the then-existing zoning regulations for the territory being incorporated into the City shall remain in full force and effect for a period of 2 years after incorporation or annexation unless the Douglas City Council shall lawfully adopt other zoning regulations ordinances.

According to Section 16.05, the Saugatuck Township zoning district would have expired in July of 2015. The subject parcel has since been “unzoned” since that time, however, it has been included in the City’s Master Plan and Future Land Use.

In 2022, The City Council adopted an ordinance to establish procedures for the transfer of surplus real property. This ordinance defines “surplus real property” as real property that is no longer needed in the foreseeable future or has no practical benefit to the City. This ordinance enables the City Council to sell and transfer property in a fair and transparent manner, by outlining the procedures that the City must follow for selling such property designated as “surplus”.

At a recent meeting, the City Council considered the authorization of the subject parcel to be sold as surplus property, so that the process to accept bids from potential buyers could be initiated. The City Council ultimately determined that potential buyers of the parcel would need to know the permitted uses of the land before bidding. Since permitted land uses are determined by the zoning district, it was decided that the parcel should undergo the process of assigning a zoning district before authorizing the sale.

At the Planning Commission meeting on May 9, 2024, residents of Saugatuck Township mentioned that the intended use for the Wiley Road property was for parks in the 2015 Saugatuck/Douglas Parks & Recreation Plan. However, the Parks and Recreation plan was updated early of 2024 and does not include plans for the Wiley Road property for park use.

Procedures. The Planning Commission is required to conduct a public hearing to assign a zoning designation to an annexed parcel, following the same procedure as for the rezoning of a parcel. This process technically constitutes an amendment to the zoning ordinance and map. However, during the May 9, 2024 Planning Commission meeting, a procedural oversight occurred when a motion resulted in a tie vote. In response, the Planning Commission opted to table the item through another motion. Subsequently, the City Clerk sought guidance from the City Attorney regarding this matter. According to procedural norms, in the event of a tie vote, the motion fails. Consequently, this paves the way for the zoning of the Wiley property to proceed to the City Council for further consideration. The Planning Commission Members were informed of this procedural clarification via email communication from the City Clerk.

Section 28.02 provides procedures for the review and approval of amendments. At the June 3, 2024, meeting, the City Council is tasked with the final approval of the proposed zoning district designation to an annexed parcel and will hold a first reading. The second reading will be held on June 17, 2024 meeting. The Planning and Zoning Administrator's report to the Planning Commission dated April 19, 2024 is also included for your reference in the Council packet for review of procedures of assigning a zoning designation, analysis of the amendment criteria, and resolution of the purchasing of the property.