

**To:** City of the Village of Douglas Planning Commission  
**Date:** July 5, 2024  
**From:** Sean Homyen, Planning & Zoning Administrator  
**RE:** 319 Ferry St – Proposed Multi-Family Development



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**Background.** The Planning Commission may recall that Mr. Max Nykerk, of Lakewood Construction, on behalf of property owner, AMK Holdings, LLC., originally submitted an application for Site Plan Review of a 6-unit townhome development on a one-acre parcel located at 319 Ferry Street. The current zoning of the site is R-5, Multiple Family District, which allows multiple-family dwellings by right.



*Figure 1 – Architectural Elevation Rendering of Proposed 4-Unit Townhome Development at 319 Ferry Street*

**Proposed Development.** In response to the comments received by the Planning Commission, staff, and members of the public at the April 11, 2024 meeting, and the March 18, 2024, Site Plan Review Committee meeting, the applicant has made a few significant changes to the site plan and has included a detailed narrative with the revised submittal. The revised site plan now proposes the following:

- Four (4) attached townhome rental units (down from the original 6 units).
- The four units are proposed within a single 5,768-square-foot building, comprised of the following unit types:

- Three (3) 1,456-square-foot units
- One (1) 1,400-square-foot unit
- The single building is proposed to face the Ferry Street access drive.
- Landscaping
- Lighting
- Stormwater management facilities
- Pedestrian pathway that connects to the Blue Star Highway nonmotorized pathway are also proposed
- Ingress and egress remain from Ferry Street and Wiley Road, through the easements over the existing access drive that provides access to the Northern Lights and Isabel's parcels



*Figure 2 – Revised Site Plan for 319 Ferry Street 4-Unit Townhome Development.*

The purpose of this memorandum is to provide our analysis of the revised site plan and the described changes for the proposed multifamily development, pursuant to Chapter 24, Site Plan Review, and other applicable sections of the City of the Village of Douglas Zoning Ordinance, and to provide an update on the specific items listed below.

**Review.** When the project was presented to the Planning Commission at the April 11, 2024, meeting, it was on the agenda as a discussion item. The Planning Commission may recall that a full review was conducted by staff and the Site Plan Review Committee. Additional attention was needed in the following major areas before the item could be formally placed on a future agenda. These items are listed below, along with an update on each:

1. **Environmental – Contamination:** The site is in close proximity to the 200 Blue Star Highway property, which has known contaminants and a plume that migrates. The Planning & Zoning Administrator and Planning Commission have the authority to require environmental assessments to demonstrate that there is no evidence of the plume's migration to the subject site.

**Update:** The applicant submitted a Phase 1 Environmental Assessment report conducted by Fishbeck, dated April 26, 2024. The assessment noted “no evidence of Recognized Environmental Conditions”, thus it has been determined by the City Engineer that no further assessments are needed at this time. This issue appears to be resolved.

2. Environmental – Wetlands: Known regulated wetlands are present on the parcel to the north that abuts the subject parcel. Because of this, staff required the applicant to provide a wetland delineation report to determine if wetlands are present on the subject site.

**Update:** The applicant has had a wetland delineation conducted by Peterson & Vandenberg Environmental on April 19, 2024, from which a 0.0017-acre wetland was discovered. The applicant has provided a map that identifies the location of this wetland and its boundaries, however, the wetland delineation report, in its entirety has not been submitted to the City. The applicant acknowledges, and the City Engineer recommends that a submittal to EGLE for a wetland delineation review is the best course of action to determine whether any of the wetlands on site are part of a larger regulated network of wetlands. The applicant narrative indicates that this is unlikely, however, a statement from EGLE will be needed for a final determination.

The City Engineer recommends in his report dated July 5, 2024, that the results of EGLE's determination be obtained and reviewed before any final approvals are granted for the project.

3. Access – Ferry Street: The easement agreement documents were to be reviewed to ensure that there is no language within any of the documents that would give a party the right to revoke access to the subject parcel through the access drive that connects to Wiley Road. This was a concern because of the City's tentative future plans to close the Ferry Street/Blue Star Highway intersection and to route Ferry Street through the 200 Blue Star Highway property. The applicant should be able to provide some assurance that there is a perpetual and irrevocable easement through the parcels that provide access to Wiley Road.

**Update:** The revised submittal does not provide any indication of whether any language in the easement agreements exists that allows access from Wiley Road as "irrevocable". This is important for the reasons stated above.

4. Easements – Shared Parking: At the April 11 meeting, the Planning Commission received written communication from representatives of Isabel's indicating that the applicant does not have the right to remove the parking spaces on the subject parcel, as they are part of a shared parking agreement, and were required as part an expansion that was approved for the Isabel's parcel. The applicant was made aware that the issue with the shared parking agreement was a private matter between property owners that must be resolved prior to the project being placed on a future Planning Commission agenda.

**Update:** The applicant has proposed an entirely revised configuration of the site to address the concerns expressed by the neighboring property owner related to the subject parking spaces. The reconfigured site proposes the single 4-unit building facing the access drive from Ferry Street, removal of attached garages, and a parking area immediately behind the building to the south. A portion of the parking spaces within the

parking area is proposed to account for the shared spaces that would be lost due to the development of the site. The new shared parking easement configuration is shown in Figure 3 below. The previous site configuration with easement exhibit is shown in Figure 4 for comparison.



Figure 3 – New Site Configuration and Shared Parking Easement Areas



Figure 4 – Previous Site Configuration with Easement Exhibit

It was indicated by the applicant that the Isabel's property owners are amenable to this solution. Easement agreements will need to be drafted and signed by all applicable parties.

5. Multifamily Design Guidelines (MFDG): The requirements within the multifamily guidelines must be demonstrated with all multifamily developments in the City. One of these requirements is the maximum building length not to exceed 120', which in the plan presented to the Planning Commission in April, exceeded.

**Update:** The site was reconfigured, likely to accommodate the parking issue, however, it is likely that it was done also to comply with the multifamily design guidelines which places a maximum of 120' on any one building side. The proposed building on the revised site plan is approximately 90' in width. This would seem to resolve this issue, however, there may be some other issues with meeting the MFDG, particularly related to landscaping and amenities for the future residents. Further review is needed in this area.

### **Other items/Final Thoughts**

1. The project narrative provides an update, but still contains references and details related to the 6-unit building and the unit square footage breakdown for 6 units instead of 4.
2. Project narrative (Impact on existing infrastructure) "less likely to have school-aged children residing there". Aside from the fact that the project does not propose amenities that would attract families with children, it is unclear how the applicant is able to make this assertion. The City's desire to be a year-round place to live for all walks of life should be reflected in all new developments.
3. The City Engineer indicates that the stormwater management design must be submitted to the Allegan County Drain Commission for review. In the past, the Planning Commission has been reluctant to grant final approvals on site plans that have not had a preliminary review by the Drain Commission.

The applicant has made progress in addressing several of the concerns relayed by the Planning Commission, staff, adjacent property owners, and the Site Plan Review Committee. There are, however, as noted in this report, and in the City Engineer's report dated July 5, 2024, some crucial areas that need attention before the Planning Commission should grant a final approval on the site plan.

### **RECOMMENDATION**

Based on the findings outlined in this report, staff is recommending that the Planning Commission postpone any action on the site plan until such time that the areas identified herein can be addressed. A suggested motion is provided below:

**SUGGESTED MOTION**

*I move to [approve / approve with conditions / deny / table] the request made by Max Nykerk of Lakewood Construction for site plan approval for the multi-family 4-unit townhome, based on the findings outlined in the staff report dated July 5, 2024.*

Please feel free to reach out with any questions.