

MEMORANDUM

To: City of Douglas Planning Commission
Date: February 23, 2023
From: Tricia Anderson, AICP
Andy Moore, AICP
RE: **Forest Gate Duplex Condominium Project Discussion**

At the February 8, 2023 meeting, the Planning Commission reviewed the plan set for the Forest Gate development submitted by the applicant that depicts a duplex condominium development as opposed to the former 5-unit townhome development. The Planning Commission expressed their concerns (as detailed in the attached meeting minutes from February 8, 2023), and heard from the applicant, the public, and the interim planning and zoning administrator. Based on our recommendation, the Planning Commission unanimously voted to table the item, until such time that the applicant was able to address the concerns outlined in our report dated February 3, 2023. The motion did not include, however, any specific direction for staff in terms of following up to have independent consultants review the special studies submitted by the applicant as it relates to traffic impacts and environmental issues.

The purpose of this memorandum is to give the Planning Commission some context as it relates to (1) its authority to request independent consultant reviews of the special studies, (2) to bring to light the standards of site plan approval, and (3) to show how the action of having an additional review of special studies is tied to the determination of whether ALL standards are met.

Seciton 24.02(21)B.5. states the following:

The Zoning Administrator may be provided to the City Engineer, Planner and/or an independent traffic engineer or transportation planner to review and comment on any traffic impact study prepared pursuant to this Section. The cost of any such review shall be borne by the applicant.

We are recommending that the Planning Commission make a motion to request further review of the special studies by a consultant of the City's choosing to ensure that the outline of information listed in Section 24.02(21)A was sufficiently submitted and to verify the conclusions presented regarding the impact of the contaminated soils on future residents. An independent consultant would also review the traffic study to evaluate the methods of data collection, variables, and conclusions, among other topics, and to provide comments to that effect.

The additional evaluation of the special studies that were submitted by the applicant will assist the Planning Commission in their analysis of the standards of site plan approval (outlined below)

if the applicant is able to provide a revised plan that addresses the items noted in our February 3, 2023 report, at an upcoming meeting.

Section 24.03 Site Plan Approval Standards

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- 1) Drainage: Site plans shall fully conform with the surface water drainage standards of the County Drain Commission and/or the US Corp of Engineers if applicable.*
- 2) Traffic: Site plans shall fully conform with the driveway and traffic safety standards of the City, or as may be applicable, the Michigan Department of Transportation and/or the County Road Commission. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.*
- 3) Public Safety: Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of the State Construction Code and the International Fire Code. Pedestrian circulation shall be reasonably isolated from the vehicular circulation system.*
- 4) Erosion: Site plans shall fully conform with the County Soil Erosion and Sedimentation Control Ordinance.*
- 5) Public Health: Site plans shall fully conform with the requirements of the Michigan Department of Public Health and the Allegan County Health Department.*
- 6) Compliance: Site plans shall fully conform with all applicable state and federal statutes and City ordinances.*
- 7) Hazardous Substances Management: The applicant shall demonstrate that reasonable precautions will be taken to prevent hazardous substances from entering the environment including:*
 - a) Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.*
 - b) Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.*
 - c) General purpose floor drains shall only be allowed if they are approved by the Kalamazoo Lake Sewer and Water Authority for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.*
 - d) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.*

- e) *Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the state Police Fire Marshall Division and the Michigan Department of Natural Resources.*
- f) *Bulk storage facilities for pesticides and fertilizers shall be in compliance with the requirements of the Michigan Department of Agriculture.*
- 8) *Natural Amenities: The development shall preserve, insofar as practical, the landscape in a natural state by minimizing tree and vegetation removal, topographic modifications and degradation of sensitive environments.*
- 9) *Screening: Loading, unloading areas and trash receptacles shall be adequately screened. (See Article 21 and Section 19.6.6). Exterior lighting shall be arranged so that it is deflected away from adjacent properties and to that it does not impede the vision of traffic along adjacent streets. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein or adjacent to the proposed site.*
- 10) *Signs: Site plans shall fully comply with the City Sign Ordinance*

Please feel free to reach out with any questions.