



ISABEL'S

MARKET + EATERY

April 11, 2024

VIA HAND DELIVERY

Planning Commission
City of the Village of Douglas
City Hall
86 W. Center Street, Douglas, MI

Re: AMK Holdings, Inc. - Site Plan Review (319 Ferry Street)
NOTICE OF OPPOSITION OF PLAN APPROVAL

Dear Commissioners,

I am the Co-Managing Partner of Isabel's Market & Eatery and the holding company that owns the 310 Blue Star Highway property. I write on behalf of myself and the other owners to lodge our opposition to approval of the above-referenced Site Plan.

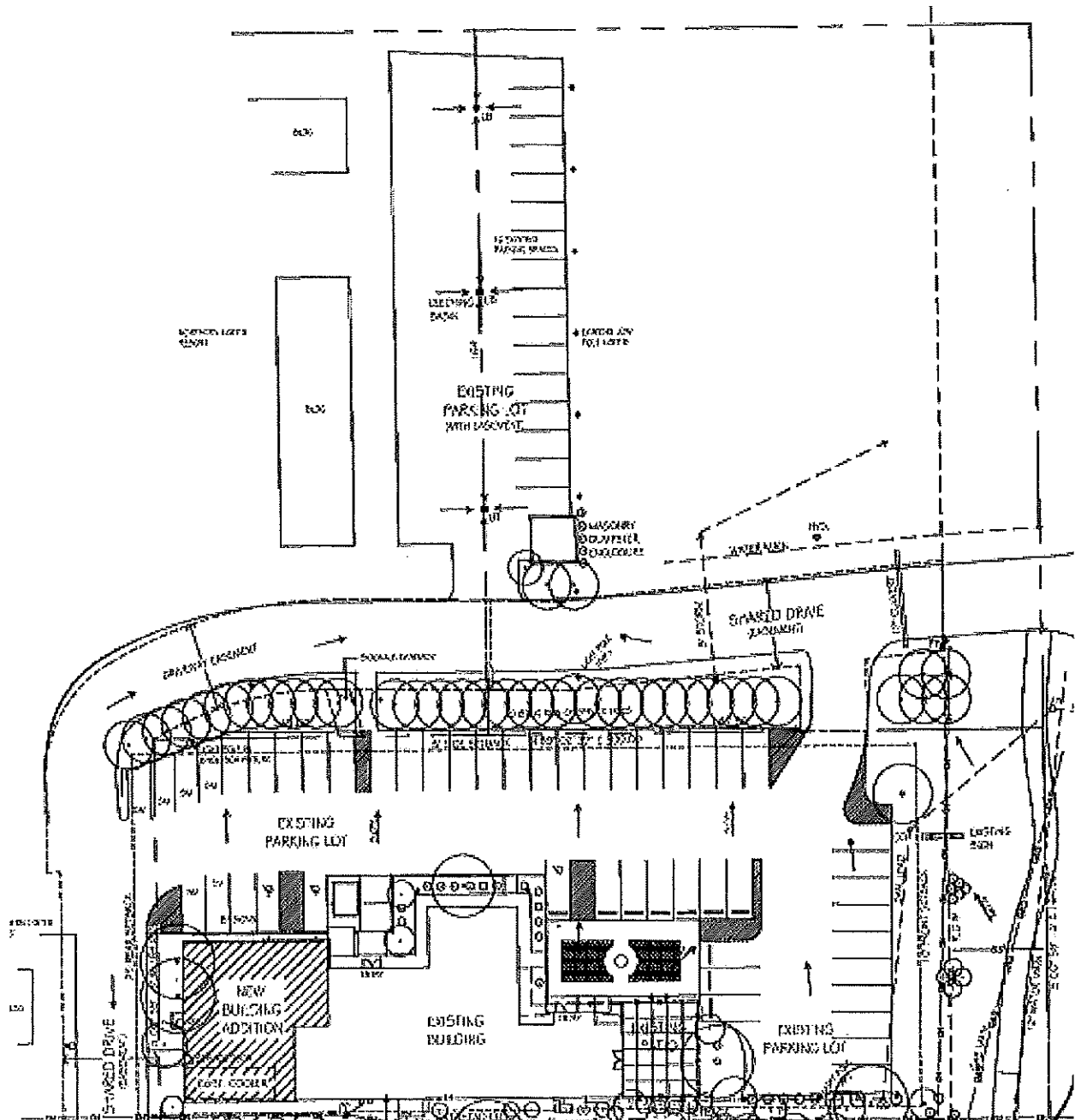
As some of you may know, about 5 years ago we purchased the 310 Blue Star property (which was vacant and in ill-repair) in an effort to invest in our community. Eventually, we also created a market/catering concept and a brand based on a local woman (Isabel Graham) who "planted a seed" here decades ago. To bring this to life, we hired legal, financial, and environmental consultants and a local architectural firm (Studio Two) to put together our own Site Plan.

As part of the Site Plan, we were required to calculate the parking requirements necessary for Isabel's (our market, kitchen, and new event space), as well as for the two residential apartments sitting above it. Based on our calculations, 52 parking spaces were required. Our Site Plan provided for 65 spaces -- 49 at the 310 Blue Star property and 16 in a shared parking lot located to the north.¹ Our right to use the shared lot, we understood, was via an easement established in a 2006 Stipulated Settlement Agreement between Northern Lights and the former owners of 310 Blue Star. That Agreement allowed Northern Lights and the 310 Blue Star owners to agree to share the lot in a manner suitable to them. This happened

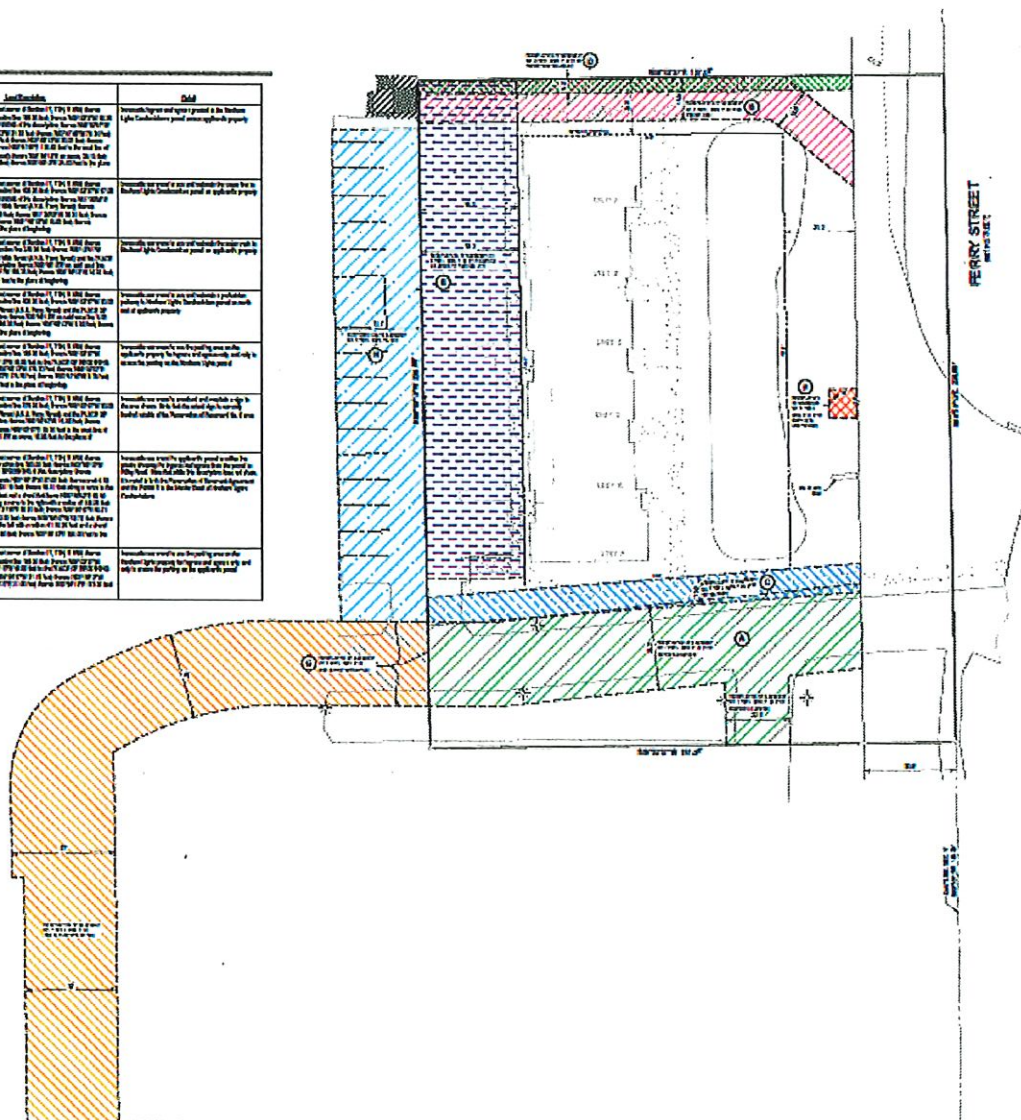
¹ We have since utilized 3 of the 49 parking spaces at the 310 Blue Star property to accommodate an outdoor bar area, reducing the total current number to 62 spaces.

in early 2007, with Northern Lights taking the western half of the lot and the 310 Blue Star owners taking the eastern half of the lot. To my knowledge, the parking lot has existed and been shared in that manner since 2007 -- some 17 years and counting. Importantly, the eastern half of the lot is situated on the 319 Ferry Street property at issue.

Our Site Plan (03-59-017-089-50) was presented for approval in a Planning Commission meeting held on December 11, 2019. The Plan included a schematic showing the eastern half of the shared parking lot ("EXISTING PARKING LOT (with easement)") located on the 319 Ferry Street parcel with "16 existing parking spaces" designated to be used by Isabel's:



As for the extant Site Plan under review, the Williams & Works Memorandum dated April 4, 2024 contains a schematic of the proposed project, which includes a Table entitled "Easement Detail Notes." It is unclear who prepared the Table, but the section designated in purple, directly conflicts with the Isabel's Site Plan approved by the Commission in 2019:

[illegible]

The Memorandum states:

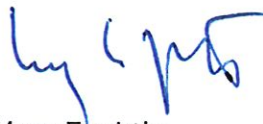
The purpose of the applicant's inclusion of the court settlement and the descriptions of all the easement permissions and benefitting parties **is [merely] to demonstrate the applicant's right to lawful access to the subject parcel.**

Memorandum, Page 3 (emphasis added). The source of this information is unknown. However, the Memorandum further reflects that Williams & Works has "suggested that the applicant connect with the owners of Isabelle's [sic] or the Northern Lights Condo Association since the three parcels are affected by established parking and traffic circulation patterns, and changes to the subject site may have an impact on these elements." Id.

About a month ago, we received a letter from an attorney representing AMK Holdings. The attorney indicated that AMK (which purchased the lot last year from Donna Agnew for \$140,000) was contesting Isabel's right to use the eastern half of the shared parking lot. We responded laying out the basis for our rights -- including language found in the 2006 Stipulated Settlement Agreement and the long-term historical usage (again, 17 years and counting). Meanwhile, we have spoken with AMK's General Manager to try to work out a resolution, but so far have not been successful.

As most of you know, after nearly 4 years of operations, we are now looking to pass the torch to a next generation of ownership to build on our successes and take Isabel's into the future. It is, therefore, disturbing to us that in the midst of that process, we are having to address a potential legal dispute over something we believed was settled long ago. For our part, we intend to do everything possible to resolve this dispute with the AMK Holdings without the need for litigation. For your part, in light of the fact that this body previously approved our Site Plan, based in part on our right to use the eastern half of the shared parking lot situated on 319 Ferry, we would ask that you table any consideration of the AMK's application until such time as our dispute with them is resolved.

Sincerely,



Mary Fechtig
Co-Managing Partner
Halas Holdings, LLC
Halas, LLC (d/b/a Isabel's Market & Eatery)

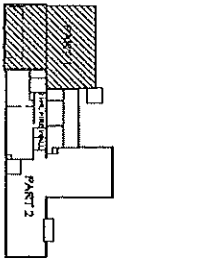
Encls.

Isabel's Site Plan Excerpts
Planning Commission Meeting Minutes (December 11, 2019)

STUDIO

STUDIO

- GENERAL**
OF CONCRETE & MORTAR
- SITE**
L1 SITE DATA, UTILITY & STORM WATER PLAN
L2 SITE NOT INCLUDED
L3 LOT & PLANNING PLAN NOT INCLUDED
- STRUCTURAL**
FLOOR INCLUDING
FLOOR INCLUDING
- ARCHITECTURAL**
A1 FLOORING PLAN PART
A2 FLOORING PLAN PART NOT INCLUDED
A3 FLOORING PLAN PART NOT INCLUDED
A4 SECTION & ELEVATION PART
A5 DETAIL PART INCLUDING PART NOT INCLUDED
A6 DETAIL PART NOT INCLUDED
- MECHANICAL**
MECH INCLUDING
MECH INCLUDING
- ELECTRICAL**
ELEC INCLUDING
ELEC INCLUDING
- PLUMBING**
PLUMB INCLUDING
PLUMB INCLUDING



PART 1
COVER SHEET
& NOTES
G1

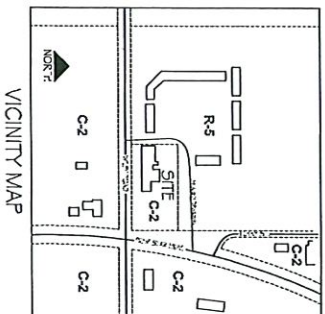
TWO

269.435.5583
www.studiobno-arch.com

HALAS HOLDINGS, LLC
310 BLUE STAR HIGHWAY
DOUGLAS, MICHIGAN

SURVEY DATA
UTILITY &
DRAINAGE

1 OF 4 SHEETS



VICINITY MAP

PROJECT DATA

SITE AREA: 1.13 ACRES
ZONING: C-2 AND IN COMPLIANCE WITH THE TRICOMMUNITY PLAN FOR USE AS COMMERCIAL
USE: COMMERCIAL - MARKET & EVENT SPACE AND TWO RESIDENTIAL UNITS (1- ONE BEDROOM UNIT + 1- EFFICIENCY UNIT)
STORIES: 2 STORY (RESIDENTIAL ON SECOND FLOOR)

EXISTING BUILDING AREA: 0.474 S.F.
FIRST FLOOR COMMERCIAL: 4,588 S.F.
SECOND FLOOR RESIDENTIAL: 1,880 S.F.

PROPOSED BUILDING AREA: 1124 S.F. (EXISTING = 2,350 S.F.; FIRST FLOOR ADDITION)
MARKET AREA: 3,752 S.F.
CIRCULATION / RESTROOMS / KITCHEN / STORAGE: 1,750 S.F.

EVENT SPACE: 1,436 S.F.
BUILDING LOT COVERAGE: 14.10% (6,938 S.F. ON FIRST FLOOR)
PAVEMENT LOT COVERAGE: 47.93% (EXCLUDES PUBLIC SIDEWALK)

IMPERVIOUS AREA 12.6% (EXCLUDES PUBLIC SIDEWALK & STREETS IN CALCULATION)
LOT COVERAGE CHANGE 0.27% (THE PROPOSED DEVELOPMENT INCREASED IMPERVIOUS AREA BY 132.17 S.F.)

PARKING REQUIREMENT: 32 SPACES
MARKET: 19 SPACES (1,752 S.F. @ 1 SPACE PER 200 GROSS S.F.)
KITCHEN: 3 SPACES (7 PEOPLE @ 1 SPACE PER 3 PEOPLE)

EVENT SPACE: 26 SPACES (17 SEATS OR 1 SPACE FOR 3 SEATS)
RESIDENTIAL: 4 SPACES (2 SPACES PER UNIT)
PROVIDED PARKING: 85 SPACES (57 REGULAR SIZE, 3 BARRIER FREE, 6 SMALL CAR SPACES)

LOADING ZONE
SITE DRAINAGE

2 CATCH BASINS EXIST ALONG WILEY ROAD COLLECTING DISCHARGE ALONG THE WEST AND SOUTH SIDES OF WILEY ROAD. THE BASINS ARE LOCATED AT THE INTERSECTION OF WILEY ROAD AND DETENTION AREA FURTHER SOUTH ALONG BLUE STAR HIGHWAY.

SURFACE WATER TO THE NORTH AND EAST OF THE BUILDING. SURFACE WATER DRAINING NORTH AND IS COLLECTED IN A SHORT DRAINAGE PIPE. A SHARED DRIVEWAY THAT CONNECTS TO THE CITY STORM SEWER LEADING DRAINS ARE LOCATED IN THE NORTH PARKING LOT BY THE DUMPSTER. ADDITIONALLY THERE IS A CULVERT COLLECTING WATER IN THE NORTH-EAST CORNER OF THE SITE.

RESULT - WITH VIRTUALLY NO INCREASE IN COSTS, THE RESULT WILL NOT BE INCREASED.

UTILITIES

SANITARY CONDITIONS LEAD RONG TO A SANITARY MANHOLE ALONG BLUE STAR HIGHWAY. THE NUMBER OF THIS ROAD AND THE REMAIN THE SAME.

RESULT 1: THE ANTICIPATED DISCOUNT VOLUME WILL LIKELY TO BE REDUCED AFTER COMING TO THE FARMER MARKET RESTAURANT USE. THE SERVICE REMAINS THE SAME.

RESULT - THE WATER SERVICE DEMAND WILL NOT REQUIRE ANY CHANGE.

GAS MAINS RUN ALONG BLUE STAR HWY. AND WILEY ROAD. THE BUILDING SERVICE TAP INTO THE VALLEY ROAD MAIN.

ELECTRIC OVERHEAD LINES RUN ALONG BLUE STAR HWY. AND WILLY R.

RESULT - ELECTRIC SERVICE DEMAND WILL NOT REQUIRE ANY CHANGE.

THE CURRENT SITE HAS PREDOMINANTLY LOW DECORATIVE LIGHT POLES WITH LOW WATTAGE LAMPS DISTRIBUTED AROUND THE PROPERTY. THE ON SITE FIXTURES ARE DIFFUSED WITH PROTECTED GLASS SHROUDS.

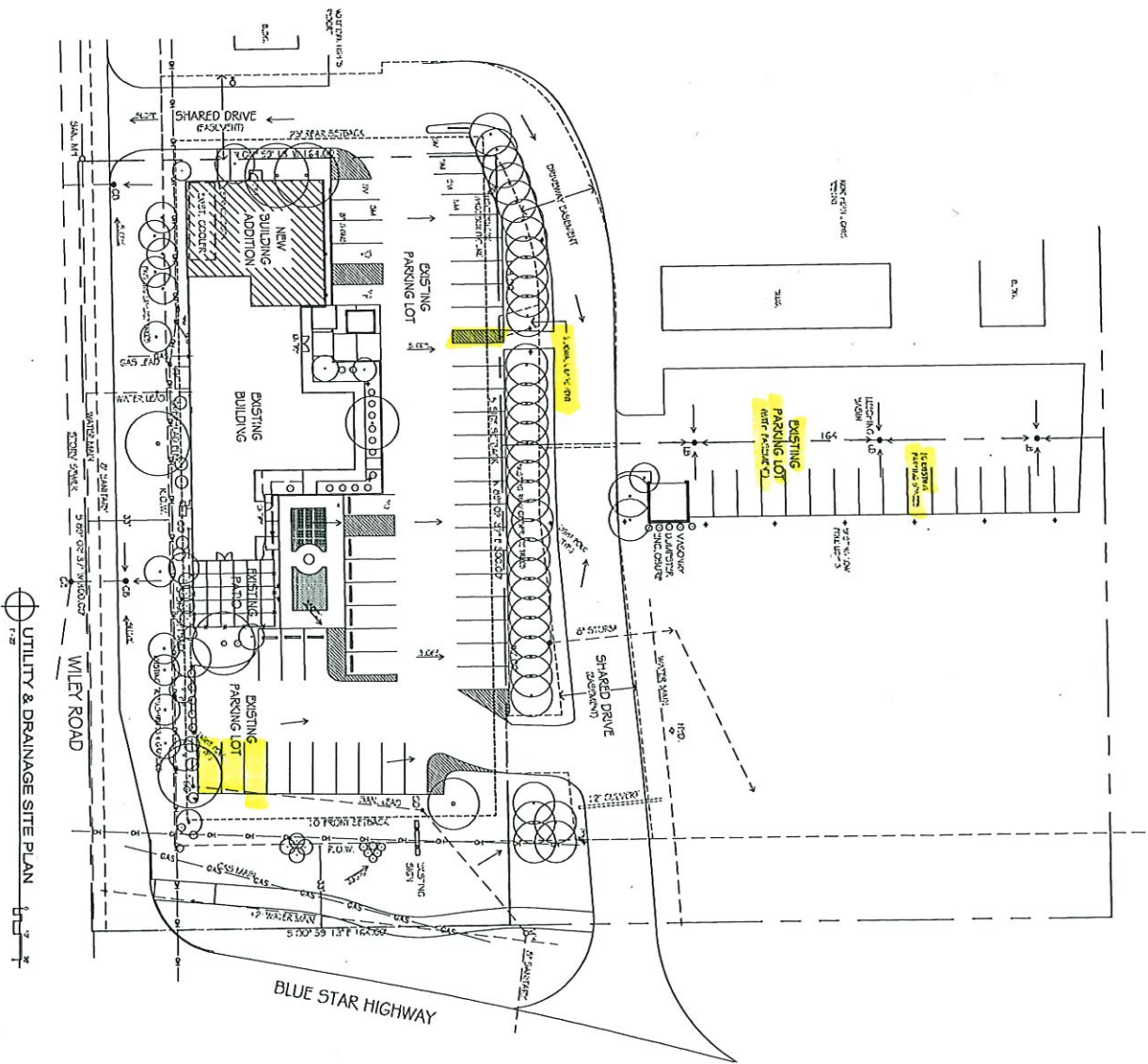
FROM THE NORTHERN LIGHTS DEVELOPMENT.
ANY PROPOSED CHANGES TO THE SITE FEATURES WILL BE REVIEWED BY THE CITY PRIOR TO INSTALLATION.

THE FREE STANDING SIGN IS ILLUMINATED WITH GROUND MOUNTED UP LIGHTS
THE BUILDING WILL HAVE DOWN LIGHTS OVER DOORS AND ENTRIES AND A WALL SIGN WILL ALSO BE LIT WITH DOWN LIGHTS

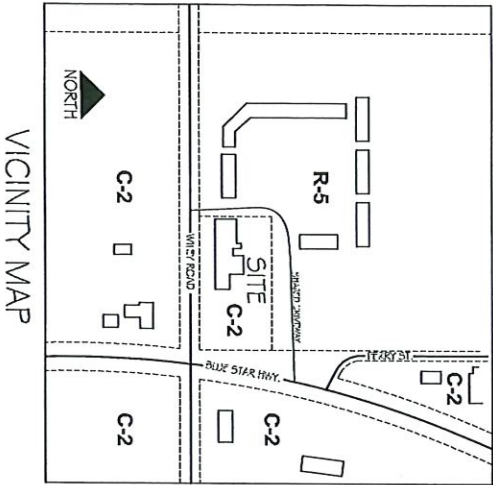
SIGNAGE
THE EXISTING FREE STANDING SIGN WILL REMAIN WITH A NEW FACE APPLIED.

A WALL SIGN WILL BE APPLIED TO THE EAST BUILDING WALL FACING BLUE STAR HIGHWAY. THE PROPOSED SIGN WILL BE REVIEWED BY THE CITY TO MEET CURRENT ORDINANCE REQUIREMENTS PRIOR TO INSTALLATION.

LEGAL CERTIFICATION



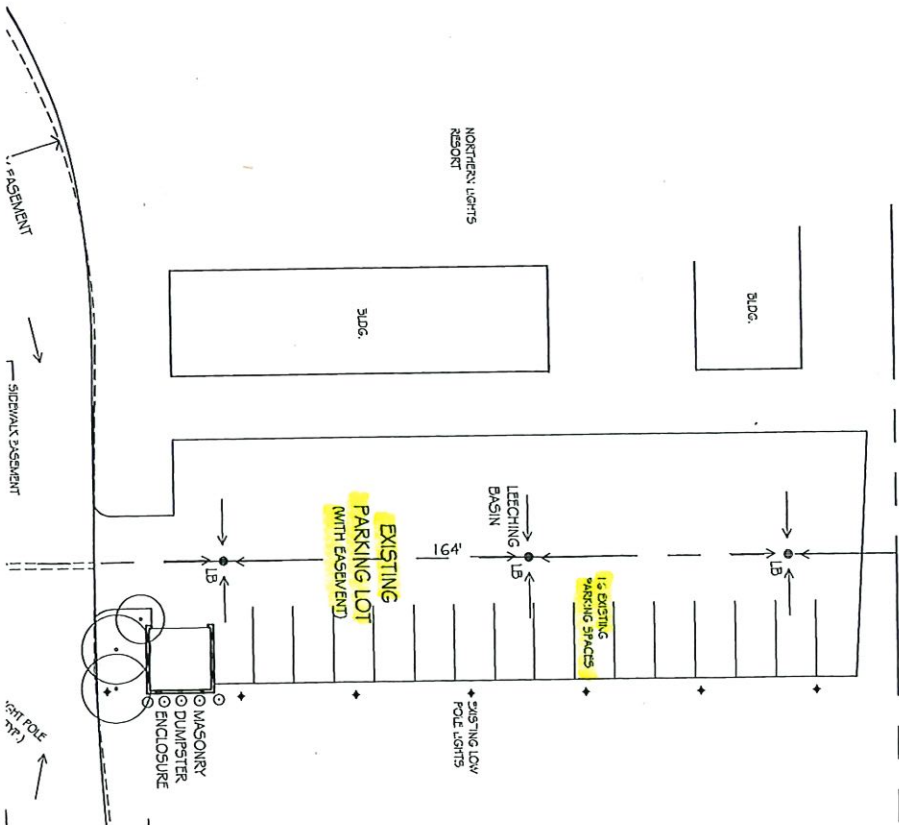
UTILITY & DRAINAGE SITE PLAN



VICINITY MAP

PROJECT DATA:
 SITE AREA: 1.13 ACRES
 ZONING: C-2 AND IN COMPLIANCE WITH THE TRICOMMUNITY PLAN FOR USE AS COMMERCIAL
 USE: COMMERCIAL - MARKET & EVENT SPACE AND TWO RESIDENTIAL UNITS (1- ONE BEDROOM UNIT+ 1- EFFICIENCY UNIT)
 STORIES: 2 STORY (RESIDENTIAL ON SECOND FLOOR)
 EXISTING BUILDING AREA: 6,474 S.F.
 FIRST FLOOR COMMERCIAL: 4,388 S.F.
 SECOND FLOOR RESIDENTIAL: 1,886 S.F.
 PROPOSED BUILDING AREA: 8,824 S.F. (EXISTING + 2,350 S.F. FIRST FLOOR ADDITION)
 MARKET AREA: 3,752 S.F.
 CIRCULATION / RESTROOMS / KITCHEN / STORAGE: 1,750 S.F.
 EVENT SPACE: 1,436 S.F.
 BUILDING LOT COVERAGE: 14.10% (6,838 S.F. ON FIRST FLOOR)
 PAVEMENT LOT COVERAGE: 47.95% (EXCLUDES PUBLIC SIDEWALK & STREET IN CALCULATION)
 IMPERVIOUS AREA: 62.05% (EXCLUDES PUBLIC SIDEWALK & STREET IN CALCULATION)
 LOT COVERAGE CHANGE: 0.27% (THE PROPOSED DEVELOPMENT INCREASED IMPERVIOUS AREA BY 132.17 S.F.)

PARKING REQUIREMENTS: 52 SPACES
 MARKET: 19 SPACES (3,752 S.F. @ 1 SPACE PER 200 GROSS S.F.)
 KITCHEN: 3 SPACES (7 PEOPLE @ 1 SPACE PER 3 PEOPLE)
 EVENT SPACE: 26 SPACES (77 SEATS @ 1 SPACE PER 3 SEATS)
 RESIDENTIAL: 4 SPACES (2 SPACES PER UNIT)
 PROVIDED PARKING: 65 SPACES (67 REGULAR SIZE, 3 BARRIER FREE, 5 SMALL CAR SPACES)
 LOADING ZONES: 1



**PLANNING COMMISSION
CITY OF THE VILLAGE OF DOUGLAS
CITY HALL - 86 W. CENTER STREET, DOUGLAS, MI
WEDNESDAY, DECEMBER 11TH, 2019 – 7:00 P.M.**

MINUTES

- A. Call to Order:** Vice-Chair Louise Pattison called the meeting at 7:00 PM
- B. Roll Call:** – Buszka, Pattison, Stewart, Seabert, McWebb
Absent – Heneghan
Also Present – City Planner, Lisa Imus
- C. Agenda Approval** – Kenny, with support from Seabert, made a motion to approve the Planning Commission Agenda for December 11th, 2019 as amended. (amendment to #2 under New Business changed to 435 Blue Star Highway, Koi Holdings, LLC) Motion approved by acclimation.
- D. Approval of Minutes** – Seabert, supported by Stewart, made a motion to approve the Planning Commission Minutes of October 9th, 2019 and November 13th, 2019 as presented. Motion approved by acclimation.
- E. Written Communications:** None
- F. Public Comment related to agenda items only** (limit 2 minutes per person)
Robin Bauer, 36 Center St. is in support of and recommends final approval of the new business at 310 Blue Star Highway.
- G. New Business:**
1. **Site Plan Review of 310 Blue Star Highway (03-59-017-089-50).....Public Hearing**
 - a. Declare Public Hearing open - Pattison opened the public hearing. Stewart recused himself from the chamber room due to a conflict of interest.

- b. Presentation by applicant – Vicki Cobb presented the site plan for 310 Blue Star Highway. They are very excited to start construction. Their business concept will be a market with a midsized event space. Planning to open in April of 2020.
- c. Public Comments – Lisa received 5 letters:
 - 1. Danny Esterling, Dunes Resort & Northern Lights Condominium Complex Owner, is in support of the site plan.
 - 2. Frederick Royce, neighboring business owner, is in support of the site plan.
 - 3. Jodi Welscot, Huntington Bank employee and West Michigan Blue Star Chamber of Commerce member, is in support of the site plan.
 - 4. Kathy Shroder, Northern Lights Condominium condo owner, had concerns about hours of operation, parking, and pool rights and would like to see signs stating private property.
 - 5. Dick Waskins, RE/MAX of Saugatuck/Douglas realtor, is in support of the site plan.
- d. Declare Public Hearing closed – Pattison closed the public hearing.
- e. Planning Commission review and consideration of a motion to approve / conditionally approve / deny / table the request for Site Plan Approval on 310 Blue Star Highway

Motion by Kenny, with support from Buszka, to approve the 310 Blue Star Highway site plan as presented with the following conditions; exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets, signage shall fully comply with the City Sign Ordinance, dumpster enclosure doors must be added to the dumpster enclosure, fire department approval is obtained, as well as confirmation that the seating and use capacity meets the required parking area allocation, and all required permits are obtained and receipts are forwarded to the City. Motion approved by unanimous roll call vote.

- 2. 435 Blue Star Highway, Koi Holdings, LLC.....Follow Up
Dave Setzke and Ethan Del Stone, owners of Koi Holdings, LLC requested more clarity on the requirements regarding outstanding site plan deficiencies that are holding up their Final Certificate of Occupancy (they have a temporary Certificate of Occupancy). They are seeking their Final

Certificate of Occupancy due to state regulations and financial challenges regarding medical marihuana. Imus stated they will need to correct the items that are deficient before a Final Certificate of Occupancy can be issued, unless a) Planning Commission would opt for a performance guarantee to be secured pursuant to Section 23.06 for the amount of the cost of landscaping to be released only after the landscaping is completed or Planning Commission approves for the final landscaping to be delayed until the adjacent properties also install the same landscaping element. 435 Blue Star Highway will be tabled to the January 8, 2020 Planning Commission meeting to see if they have complied with all site plan deficiencies.

3. 2020 Planning Commission Schedule.....Approve Schedule

Kenny, supported by Buska, made a motion to approve the Planning Commission 2020 Calendar as presented. Motion approved by acclamation.

H. Unfinished Business

1. Sign Ordinance.....Committee Report

Kenny stated that the committee has met and is making progress. Imus stated that due to the increased pressure to pass the recreational marihuana ordinance the sign ordinance will be put on temporary hold.

I. Hear from the Audience: Dave Setzke offered his lawyer's assistance with point system information for recreational marihuana from other cities.

J. Commissioner Comments:

Stewart voiced concerns about the complexity of site plan requirements in the zoning ordinance. Seabert, Kenny, Buska, McWebb – Wished all a happy holiday season.

K. Adjournment: Kenny, supported by Seabert, made a motion to adjourn meeting. Motion approved by acclamation at 8:55 p.m.

Respectfully Submitted by Jenny Pearson, Deputy Clerk