

**EMPIRE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES**

June 18, 2024

The Empire Township Planning Commission held a regular meeting on Tuesday, June 18, 2024. The meeting was held at the Glen Lake Community Library.

CALL TO ORDER: Duane Shugart, Chairman, called the meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Duane Shugart, Dale DeJager, Micah Deegan, Larry Krawczak, Tom Petersen

Members Absent: None

Staff Present: Dana Boomer, Recording Secretary; Tim Cypher, Zoning Administrator

APPROVAL OF AGENDA: The PC briefly discussed the agenda. **Motion by Krawczak, second by Deegan to approve the agenda as presented. All in favor, motion carried.**

ANY CONFLICT OF INTEREST – None

APPROVAL OF MINUTES: The PC briefly discussed the minutes of the May 21, 2024 regular meeting. **Motion by Deegan, second by Petersen to approve the May 21, 2024 Regular Meeting Minutes as presented. All in favor, motion carried.**

COMMUNICATIONS: Cypher and Shugart received communications regarding the Manor, which will be addressed during the public hearing.

PUBLIC COMMENT: None

ZONING ADMINISTRATOR'S REPORT: Cypher had previously distributed his monthly reports for May 2024. He summarized the ZA business for the month. **Motion by Petersen, second by DeJager to acknowledge receipt of the May 2024 written reports. All in favor, motion carried.**

PUBLIC HEARING – Glen Lake Manor

Shugart opened the public hearing at 7:04 pm, and summarized the issue before the board tonight and the process for the meeting tonight. The public hearing will be for a Special Use Permit application for the Glen Lake Manor. Cypher introduced the applicants, Robert and Susan Rife, and their architect, Sarah Bourgeois.

Applicant Presentation - Bourgeois summarized the history of the development of the property and the changes that have been made since the prior public hearing in November 2022. The property currently holds approval for the restaurant, but they now would like to utilize and revive the rest of the building. They are asking to be able to utilize the building for short-term lodging under a hotel use, which is bringing back the overnight stay use that was previously part of the history of the building. There is also a bar/lounge that they would like to open, as well as adding a small store and having the ability to hold events. Bourgeois covered parking, screening, and responses from other agencies. Susan Rife summarized the history of her family in the area and their ownership of the Manor since 1949. It is one of the few remaining buildings of this type on Glen Lake that have the potential to be preserved. They want to be active in the area and be good neighbors – they want to preserve the property and make it a place where

future generations can come. This will be a long-term project, and has already been a long-term project. They have already answered some questions about the project, and look forward to answering more. The types of events they are talking about are small gatherings, with music provided by guitar or piano players. Rife stated that quiet hours would be 10 pm to 8 am, enforced by on-site personnel. The store will just be snacks, drinks, travel essentials, and other small items.

Planning Commission Questions/Discussion – Deegan asked what the final request was for amplified music. Rife stated that they are proposing no amplified music outside after 10 pm during the summer. Spring and fall hours would allow amplified music outside until 9 pm. No outside amplified music would be allowed during the winter. DeJager is concerned about the amplified music outside at all. Bourgeois stated that some forms of music might need to be amplified to be heard, such as harp music. Shugart is concerned about any amplified music and how it might be heard over the lake. Rife and Bourgeois stated that boats and private homes are not restricted on amplified music. Deegan is also concerned about amplified music outside and its effect on neighbors. Petersen feels that in this day it will be extremely hard to find musicians or musical groups that use no amplification.

Cypher stated that if there is to be amplified music, regulations and standards must be set. Interior amplified music must also be considered due to windows and doors being open during the summer. Boomer stated that the applicant had previously requested 12 events per season, and then had later defined four seasons. The applicant may be asked to clarify whether they are requesting 12 events per year or 12 events held only during the summer or 48 events per year. Rife stated that she is not sure whether events are appropriately defined, and whether interior and exterior events should be defined and approved separately. Shugart stated that the events need to be defined, especially those being held outside, as those have the greatest potential for nuisance to the neighbors. For him, twelve events during the summer may be excessive as that is essentially one per week. The PC discussed the various options for regulations for events. Cypher asked what the provisions are for holding an event when there may be separate guests filling the lodging and restaurant. The PC, staff, and applicant extensively discussed events. Boomer reminded the PC and applicant that the Special Use Permit runs with the land, and so conditions placed must cover both the current applicant and other future owners. The occupant load for the structure is listed at an adjusted 136 in the plans. DeJager stated that he feels it would be reasonable to limit event occupancy to this or less. Cypher stated that the structure load does not consider outside green space. The PC discussed property load and available parking. There are 50 parking spaces. The PC discussing having a property limit of 136 persons.

Cypher reiterated the need for regulations for amplified music – that is one of the most difficult things to regulate with event venues. A letter from a neighbor has already been received stating that they felt that amplified music until 10 pm would be excessive. Cypher stated that the requested uses are going to be a change for the neighborhood, and it is up to the PC to balance the applicant's request with the needs of the neighbors. Cypher asked about water usage. Bourgeois stated there would be no usage of the waterfront. Boomer asked to clarify whether that meant guests would not be allowed on the lake side of M-22. Rife stated that they would like to allow guests to use the beachfront for swimming, fire pits, etc. Cypher stated that some of these uses might violate the ordinance provisions on keyholing, so requested that Bourgeois contact him regarding which uses are being requested. DeJager wants to clarify that there will be no docking or mooring of boats by any paying guests.

Public Comment – Mary DeWitt – Glenmere Road - She asked whether there would be to-go food. She had issues with trespassing on her property when the dairy bar was open. She would like to know whether there are going to be musicians on the lake side of M-22. Regarding the limits of noise, she doesn't know why there can't be a decibel limit. As far as events go, they need to be defined. If the property is full for an event, will they be turning other customers away? She asked if there was an existing liquor license. The amount of traffic is a concern, as is parking along M-22 and people crossing M-22 for swimming or

otherwise using the beach. She would like to see event usage defined as in front of the building, behind the building, or on the lake front.

John Hutchinson – Day Forest Road – He has been a long-time resident of the area, and has known Susan Rife’s family for decades. Over the years, the Manor had generations of people coming back year after year, having a wonderful time. The family was extremely hospitable. He believes Dr. Rife will do a wonderful job with this project.

Dave Geisler – Glenmere Road – The previous owner, Nancy, had a couple of EACC concerts at the Manor previously. They were very enjoyable, with amplified music from an 8-member band. It was pleasant sitting in the lawn. They tried to listen to the music from their boat, and it was unable to be heard properly. He knows that sounds sometimes travels well, but the traffic and trees buffer the noise. Those concerts were in the afternoon, and they were very enjoyable.

Sharon Geisler – Glenmere Road – She read a letter that she had submitted to the PC. The land and inhabitants of this area are special, and the inhabitants must do what they can to maintain the integrity of this area. Amenities that enhance the enjoyment of the area should be allowed, so long as they meet the Zoning Ordinance. She requests that the PC scrutinize this request to determine whether it falls within the guidance of the Ordinance, including protecting the neighbors. She asks for further determination of auxiliary uses, which is a vague term that will last into perpetuity. She is concerned about water runoff, as Glenmere Road already experiences flooding. Everyone likes to have fun, but they already have issues with noise pollution from renters next door, must less the uses requested by the Manor. The Zoning Ordinance exists for a reason, and it is up to the PC to determine whether the request falls within the bounds of the Zoning Ordinance and Master Plan.

Chip Underwood – Glenmere Road – They have some concerns, the largest being the noise. He would like to see it more defined where the music is going to be. They will be able to hear any amplified music playing outside, given that they share a property line. They are also concerned about delineating property lines on both sides of M-22, as he has already seen issues with accidental trespassing with guests on his dock. The request is great, but they do have concerns. The road is another concern. The PC doesn’t have the ability to reduce the speed limit, which is currently 40 mph, but the road is already a safety issue and this could make it worse. All of the people parking along M-22 will be in front of his cottage. They want this project to be a success, but there are a few things that need to be addressed.

Hope Croskey – She sent a letter to the PC regarding the invasive species that are present on the Manor property. The invasive species are transferring onto her property, and can and have ruined septic fields. She would like to see this addressed.

Elizabeth Lake – Glenmere Road – She had a chance to sit down with Susan and Rob two years ago to hear the plans. There is new information being presented this evening. The ability to renovate the property and have it remain a historic, low-key, community property is close to her heart. Previously she thought that only acoustic music would be offered, and the ability to have amplified music is new. This proposal feels like there is more here than what she was originally told about. The viability of 50 parking spots and 137 people, with no consideration for staff, is a major concern, and has the potential to impact the whole area. There was previously discussion of having the building added to the Historic Registry, and the potential there is phenomenal. Her concern is the details that are being pursued by the Planning Commission, specifically in perpetuity.

Darcy Rickard – Glen Lake Road and Kitlinger Road – She grew up here, and has seen all of the changes here. She is thrilled that the Manor, like the Glen Arbor Mill and Sleeping Bear Inn, is being preserved. The number of old houses and cottages being removed and replaced on the Glen Lakes and Fisher Lake is

heartbreaking. Having this property be thoughtfully preserved is very special. She is looking forward to seeing this property as a place that everyone can enjoy, and not being torn down to build something new.

Barb Fredline – In reference to Susan, she is a very accomplished doctor, and she is very familiar with rules and regulations. She wants to get along with her neighbors. It would be wonderful to see the Manor restored, and she thinks that Susan and Rob would do a great job with this.

Applicant Response to Public Comment – Rife thanked everyone for attending and bringing their concerns. They want to be stewards of the community; they are vested in the community. The people here tonight know the potential and what this property can be. They will try to be the best neighbors possible, and to listen and work out issues that come up. This is a huge project, but it is a labor of love for them. They are currently licensed and permitted to be a commercial kitchen, and if they had staff, the restaurant would be open. They have tried to have small gatherings to make sure that people are aware the building is not abandoned. They want to be long-term members of the community.

Sharon Geisler – She asked whether a definitive timeline and schedule built into the schedule. Shugart stated that there is a timeline in the application.

Cypher stated that he received a letter from Beth Lake, who spoke tonight.

Shugart declared the public hearing closed at 8:23 pm.

OLD BUSINESS

- **Glen Lake Manor Application** – Shugart stated that the PC will now begin to review the draft Findings of Fact. He summarized the process for the public, which involves a review of the standards set forth in the Zoning Ordinance for the consideration of a Special Use Permit. It is unlikely that the PC will finish the review of the Findings of Fact tonight; instead, they will be finalized at a future meeting.

The PC and Cypher began a review of the draft Findings of Fact. Page 1, Section 6.3.A was determined by consensus to be met. Page 1-2, Section 6.3.B, was determined to be met with the conditions that Item 6 be added and that the distance of the existing on-property buildings from the property lines be added. Page 3-4, continuation of Section 6.3.B, Shugart asked about the status of the site grading and drainage plans. Bourgeois stated that they are working with the Drain Commissioner on the issue, and site grading and drainage plans would be submitted if the project was approved, and is currently in the works but not completed. Cypher stated that the township will not issue a land use permit without the approval of other regulatory agencies. Cypher asked whether the PC would like to see a Traffic Impact Study. DeJager stated that the building has been operating as a restaurant, and the restaurant drives most of the current traffic. If larger events that maximize or exceed building occupancy rates occur, he believes that is a different topic to be addressed, as it could substantially change the amount of traffic coming in and out of the property. The PC and Cypher discussed the need for a traffic study. MDOT did not request any turn or taper lanes for the entrance and exit of the property. Krawczak believes a traffic impact study should be submitted if events are held. DeJager stated that the events are also his main concern. The PC determined to return to the discussion of a traffic impact study later – there were no other questions on page 3.

The PC discussed the proposed construction timeline; Cypher feels that some latitude should be given in this timeline due to material and labor availability. The PC felt that Cypher could be given the task of monitoring the construction and determining whether the applicant would be

held to a strict schedule or whether latitude could be given. Any major discrepancies can be brought to the PC for review by Cypher.

Page 4, Section 6.4 – Communication has been received from numerous agencies, including a submission from the Glen Lake Fire Department received at the meeting. The letter from the GLFD was discussed – To answer the questions in the letter, Bourgeois stated that the system in the building will comply with the cited NFPA codes. The final location of the fire department connection to the sprinkler system has not been determined. There will be a monitoring/detection system installed as required by law – she is unsure whether this covers the cottages. They will be addressing the issue of fire department access to the rear of the building. Cypher stated that all final documentation of approvals from applicable agencies will be required to be provided to the township before a land use permit is issued. If the applicants are unwilling or unable to meet the requirements of other agencies, including the fire department, it would need to come back to the Planning Commission for discussion.

It was determined that the library has requested that the meeting be completed by 9 pm, which is approaching. It was determined to table further discussion of the Findings of Fact for the Glen Lake Manor until a future meeting.

The board discussed a potential next meeting date. The PC would like to finalize the findings of fact sooner rather than later. The PC determined that a meeting would be held on June 25 at 7 pm at the Township Hall, unless the Hall is not available, in which case the meeting will be posted for an alternate location as soon as possible.

- **Sign Ordinance** – None
- **Zoning Ordinance Review** - None

NEW BUSINESS

- **Pleasure of the Board**

PUBLIC COMMENT: None

BOARD COMMENT: None

ADJOURNMENT: **Motion** by Krawczak to adjourn at 8:56 pm, Petersen seconded. With no objection, Shugart adjourned the meeting.

Respectfully Submitted,

Dana Boomer
Recording Secretary

DATE: June 6, 2024

TO: Empire Township Planning Commission Members

FROM: Shaaron L. Geisler, Empire Township Resident

COPY: Timothy A. Cypher, Empire Township Zoning Administrator, Susan and Rob Rife

RE: Public Hearing – Robert & Susan Rife (Glen Lake Manor)
Special Land Use Permit

I speak only for myself in submitting the following comments regarding this Special Land Use Permit. I ask it to be read in its entirety at the Public Hearing. The other attendees and neighbors have the right to hear the comments instead of being left to wonder about the nature of the contents. This letter is not meant to be pro or con, but rather to express pertinent items that may be obvious or not, but do exist for consideration in the non-conforming zoning decision to be determined. I am proud to be a property owner and taxpayer of Empire Township here in Empire, Michigan. The land is special, the inhabitants are special, and it is not too far-fetched to state that we inhabitants must do all that we can to maintain the integrity of the quality of life in this special place on earth. Maintaining our properties and homes results into the heart of each of us who wishes to enjoy our homes and properties. Each of us has the right to plan for today, tomorrow, and many future days of enjoyment in acting on our desires for the comforts of such a serene and peaceful place. A place we call home and a place where we invite family and friends to join us in these special moments and desires. If adding amenities, whether small or large includes things that will enhance our enjoyment and comfort, then each has a right to do so – so long as it fits the community's rules and regulations aka The Empire Township Zoning Ordinance.

For instance, Residential vs Commercial usages. Articles have been drafted in the Ordinance that cover the procedure for uses that are outside those Article's designations. Hence, we find ourselves being invited to submit written comments at the Public Hearing scheduled for Tuesday, June 18, 2024, as proposed by the Glen Lake Manor relative to The ZO Articles 6, 7, and 13. I respectfully request and expect that our Planning Commission Members under the guidance of Timothy A. Cypher, ET Zoning Administrator will scrutinize and consider whether the request for the Special Land Use Permit to allow for Food Service, Lodging, Retail Store, Other auxiliary uses falls within the guidelines of the Zoning Ordinance adopted to protect all the residents, some who may find themselves living within mere feet of a commercial establishment.

I find the wording 'other auxiliary uses' to be vague. I believe these 'auxiliary uses' need to be clearly defined, as it will last into perpetuity, if granted. I ask the Planning Commission members to thoroughly be aware of what this broad term will include.

A significant addition to an already large building, the renovation of additional cottages and parking area will potentially cause extra water runoff in an area that can't handle it. The south side of W. Glenmore Rd. already experiences flooding to the properties on the East side of the Manor, all the way about 1/4 mile east. Road traffic, boat traffic, lighting, event noise and music, operating hours are also factors to be considered. This is not mentioned as a 'complaint, but rather as an observation [keeping in mind that we all like to have fun]', but for instance, just last Sunday night I had to close the bedroom windows due to the 'fun' that 4 renters were having next door at 12:15 a.m. Yes, after midnight!

We do not have air conditioning and it was a night that begged for fresh Empire Township air. This was 4 people one door away. The Manor is only 2 doors away. The large number of bedrooms plus the individual proposed cottages brings the potential for noise pollution. It is imperative that Glen Lake Manor fits into the residential neighborhood.

I believe Susan and Rob Rife have every right to petition the Township for this Special Use Permit. It is their life desire.

Zoning Ordinances exist for a reason. It falls to the Planning Commission to ensure that the proposed usages fall within the intentions of the Zoning Ordinance.

Empire Township Planning Commission is charged with the responsibility to collectively discern if the desires of Rob and Susan Rife's, as submitted by their Master Plan, brings a positive impact on the Empire Township Community, in all aspects.

I am asking the Planning Commission to do their jobs to the best of their abilities in determining the granting of this Special Land Use Permit of non-conforming status.

I have faith in the Planning Commission and trust that they will do so.

Respectfully submitted,

Shaaron L. Geisler
7291 W Glenmore Rd
Empire, MI 49630

From: Gary Croskey <croskeyg@gmail.com>
Date: Monday, June 17, 2024 at 11:07 AM
To: tim@allpermits.com <tim@allpermits.com>
Cc: Hope Estelle Meyers Croskey <croskey@gmail.com>, Susan & Rob Rife <theglenlakemanor@gmail.com>
Subject: Glen Lake Manor, Special Land Use Permit application

Tim Cypher,
Empire Township Zoning Administrator, and Respected members of the Empire Township Planning Commission:

We support the Special Land Use Permit application, but have a concern. We wish to inform both the Commission and the owners regarding the invasive tree species, The Tree of Heaven.

Attached are pdf's and photos of the Tree of Heaven, located on the Glen Lake Manor **septic field and adjacent areas and properties**.

Last year the owners had cut most of this tree, however, it's regrowing. The Tree of Heaven needs proper control and maintenance, specifically cutting and herbicide application.

The Tree of Heaven is identified as an invasive species by Michigan State University (pdf). Attached is a pdf on how to control them by USDA.

MSU notes:

"Local Concern: Root shoots can develop into dense thickets.

Roots can damage sewers and structures. Roots also produce chemicals that inhibit the growth of other plants."

Attached are Photos taken 6/17/2024 showing the clearing of Glen Lake Manor septic field.

Please note there is ongoing regeneration of the Tree of Heaven with the adjacent tall growth.

We have done cutting along with herbicide application on our adjacent property per the attached pdf recommendations on "Tree of Heaven control.pdf", a Federal USDA publication.

Hope Croskey will attend the meeting to answer any questions regarding this email.

Sincerely,
Residents
Gary and Hope Croskey
7265 W Glenmere Rd
Empire, MI 49630

May 22, 2024

To: Mr. Tim Cypher and the Empire Zoning Board

From: Elizabeth Lake, daughter/niece of owners Douglas Lake and Edward Lake

7321 Glenmere, Empire, MI 49630

Re.: The Manor

We wish to express our support of the renovations and plans for our next-door neighbor, The Manor. Our family has owned the home next door to The Manor for the past 40 plus years.

Last year marked 100 years on Glen Lake for our family. My grandparents and parents were/are active volunteers within the community. My brother served on both local fire departments for over 2 decades. My children and I have been active volunteers for a dozen years with the Park; Friends of Sleeping Bear and Preserve Historic Sleeping Bear. Our family is, and has been, part of the fabric of this community.

Our generations have witnessed profound changes to the area. From a quiet lake with outstanding fishing and glorious naturalscape, through the evolution of a tourist filled destination location.

Susan and Rob are also very much part of the community fabric. They wish to revive and restore a piece of family history as well as a local historical landmark. And at the same time create a community wide resource. They are personally invested in the authentic restoration of the area's history as well as the community itself.

As residential tenants at 7321 Glenmere, next door to an active business, not every experience has been a positive one. A challenge that can come with any neighbor relationship, but the added busyness of a commercial property can present unique challenges. Susan and Rob Rife preemptively addressed concerns regarding commercial refuse; plans for parking and noise, without a word from us. They both recognize and appreciate what it means to live next door to an active business. They have actively pursued ways to mitigate any downside.

Susan and Rob's values align with those of our family, they are choosing to do it the right way, with a commitment to heritage and community, all while being neighborly.

Because of this are in FULL SUPPORT of Susan and Rob Rife's renovation/restoration plans for The Manor.

The Lake's of 7321 Glenmere, respectfully encourage you to consider supporting The Manor's zoning request. This is an opportunity to do better – for our shared history, present and future.