



CHARTER TOWNSHIP OF CHOCOLAY

PLANNING COMMISSION AGENDA

Monday, November 20, 2023 – 6:00 PM

I. CALL TO ORDER

II. ROLL CALL

Ryan Soucy (Chair)

George Meister (Vice Chair)

Donna Mullen-Campbell (Secretary)

Rebecca Sloan (Vice Secretary)

Don Rhein (Board Representative)

Stephanie Gencheff

Kendell Milton

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

IV. MINUTES

A. September 26, 2023 townhall meeting

B. October 10, 2023 townhall meeting

C. October 17, 2023 townhall meeting

V. PUBLIC COMMENT

Limit of three minutes per person.

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Sessions

1. Staff introduction

2. Commissioner discussion

3. Commissioner decision

VIII. NEW BUSINESS

A. Housing Discussion

1. Staff introduction

2. Commissioner discussion

IX. PUBLIC COMMENT

Any item of interest – limit 3 minutes per person

X. COMMISSIONER'S COMMENTS

XI. DIRECTOR'S REPORT

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Township Board Minutes – 10.09.23
- B. Township newsletter – October 2023
- C. City of Marquette Planning Commission minutes – 09.05.23
- D. City of Marquette Planning Commission minutes – 10.03.23

XIII. ADJOURNMENT

Planning Commission Rules for Public Hearings and Public Comment

1. Please wait for the Planning Commission Chair to acknowledge you before speaking. Individuals not following this rule are subject to dismissal from the meeting.
2. Individuals must state their name and address for the record. Individuals representing an organization must state their name and the organization they represent for the record.
3. Give your comments, opinion and / or question on the issue being addressed. Please stay on topic or you may be ruled out of order.
4. Due to a full agenda, and to ensure that everyone has time to speak, the Commissioners will limit comments to a timed limit per person. For the same reasons, please be as brief as possible and try not to repeat what has been said by others before you.
5. No person can grant his or her time to another speaker.
6. Please be as factual as possible and do not make comments on the character of people.
7. Planning Commissioners and Township staff members are not required nor expected to respond to comments, opinions and/or questions from the floor.



**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

**Tuesday September 26, 2023 Minutes
Work Session**

I. Meeting Call to Order

Chair Ryan Soucy called the meeting to order at 6:00 PM.

II. Roll Call

Members present at roll call:

Ryan Soucy (Chair)
George Meister (Vice Chair)
Donna Mullen-Campbell (Secretary)
Rebecca Sloan (Vice Secretary)
Don Rhein (Board)
Stephanie Gencheff

Members absent at roll call:

Kendall Milton

Staff present:

Bill DeGroot (Township Manager), Dale Throenle (Planning Director / Zoning Administrator)

III. Additional Agenda Items / Approval of Agenda

Rhein moved, Mullen-Campbell seconded, to approve the agenda as presented.

Vote: Ayes: 6 Nays: 0 Motion carried

IV. Minutes

None

V. Presentations

A. Agriculture Zoning Townhall

Soucy gave a presentation outlining the purpose of the townhall meeting. The presentation was included in the agenda materials for the meeting.

VI. New Business

A. Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Session

Commissioner Discussion

Commissioners met and discussed the proposed ordinance language with the public. Stations were set up in the meeting room that presented maps related to the topic, and handouts were available for the public to take with them.

A station was set up for the public to sign up to receive email from the Township and to provide additional written comments.

Received comments will be added as correspondence as part of the agenda materials for the next regular meeting.

VII. Adjournment

Rhein moved, Sloan seconded, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:40 PM.

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Tuesday October 10, 2023 Minutes

Work Session

I. Meeting Call to Order

Chair Ryan Soucy called the meeting to order at 7:01 PM.

II. Roll Call

Members present at roll call:

Ryan Soucy (Chair)
Donna Mullen-Campbell (Secretary)
Rebecca Sloan (Vice Secretary)
Stephanie Gencheff

Members absent at roll call:

George Meister (Vice Chair)
Don Rhein (Board)
Kendall Milton

Staff present:

Richard Bohjanen (Township Supervisor), Bill DeGroot (Township Manager), Dale Throenle (Planning Director / Zoning Administrator)

III. Additional Agenda Items / Approval of Agenda

Mullen-Campbell moved, Gencheff seconded, to approve the agenda as presented.

Vote: Ayes: 4 Nays: 0 Motion carried

IV. Minutes

None

V. Presentations

A. Agriculture Zoning Townhall

Soucy gave a presentation outlining the purpose of the townhall meeting. The presentation was included in the agenda materials for the meeting.

VI. New Business

A. Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Session

Commissioner Discussion

DeGroot addressed questions from those in attendance; the questions asked focused primarily on the reason for the proposed changes. DeGroot and Soucy stated that the primary purpose was to increase property rights, and to reduce the number of non-

conforming parcels within the Agriculture / Forestry (AF) zoning district.

Throenle stated that the maps in the room for the work session were not to be considered the proposed zoning map, as that will be developed in the future.

Commissioners met and discussed the proposed ordinance language with the public. Stations were set up in the meeting room that presented maps related to the topic, and handouts were available for the public to take with them.

A station was set up for the public to sign up to receive email from the Township and to provide additional written comments.

Received comments will be added as correspondence as part of the agenda materials for the next regular meeting.

VII. Adjournment

Rhein moved, Sloan seconded, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:40 PM.

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION
Tuesday October 17, 2023 Minutes
Work Session**

I. Meeting Call to Order

Chair Ryan Soucy called the meeting to order at 6:00 PM.

II. Roll Call

Members present at roll call:

Ryan Soucy (Chair)
George Meister (Vice Chair)
Donna Mullen-Campbell (Secretary)
Rebecca Sloan (Vice Secretary)
Don Rhein (Board)
Stephanie Gencheff
Kendall Milton

Staff present:

Dale Throenle (Planning Director / Zoning Administrator)

III. Additional Agenda Items / Approval of Agenda

None

IV. Minutes

None

V. Presentations

A. Agriculture Zoning Townhall

Soucy gave a presentation outlining the purpose of the townhall meeting. The presentation was included in the agenda materials for the meeting.

VI. New Business

A. Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Session

Commissioner Discussion

Commissioners met and discussed the proposed ordinance language with the public. Stations were set up in the meeting room that presented maps related to the topic, and handouts were available for the public to take with them.

A station was set up for the public to sign up to receive email from the Township and to provide additional written comments.

Received comments will be added as correspondence as part of the agenda materials

for the next regular meeting scheduled for November.

VII. Adjournment

Rhein moved, Sloan seconded, to adjourn the meeting.

Vote: Ayes: 7 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:30 PM.

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

DRAFT



Charter Township of Chocolay

Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

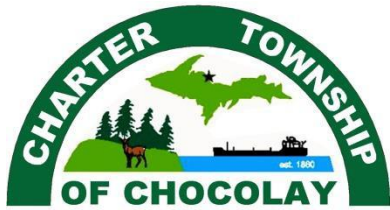
Fax: 906-249-1313

Agenda Item: VII.A Draft Ordinance Considerations for the Agriculture-Forestry (AF) District Work Sessions

Suggested Motion

After Commissioner review and discussion, _____ moved, _____ seconded, that the next steps for the agriculture zoning district be as follows:

- 1) [Step 1]
- 2) [Step 2]
- 3) ...



Charter Township of Chocolay

Planning and Zoning Department

5010 US 41 South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Issue Brief: Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Sessions

Meeting: Planning Commission Meeting

Date: November 20, 2023

Issue Summary

Summary of the townhalls and direction for the agriculture zoning ordinance language.

Background

Commissioners and staff have completed a considerable amount of work since 2018 related to the question of non-conforming parcels in the Agriculture / Forestry (AF) zoning district. Commissioners decided to present the draft materials to the public for public input before completing the process.

At the August meeting, Commissioners approved three public work session dates for interaction with the public. The dates and times decided were September 26, 2023, from 6:00 PM to 7:30 PM, October 10, 2023, from 7:00 PM to 8:30 PM, and October 17, 2023 from 6:00 PM to 7:30 PM.

The three townhall sessions were held as scheduled. Each session was opened as a formal meeting, and minutes were generated for each session.

Staff Research

Staff prepared a summary of the meetings for Commissioner review (see attached).

Staff prepared maps and handouts for the Townhall meetings that were presented on tables throughout the meeting area; the materials are attached.

Staff Recommendations for Commissioner Discussion

Staff recommends the Commissioners:

- 1) Review the summary of the townhall sessions and materials that were presented and be prepared to discuss the sessions and session results.
- 2) Come prepared with ideas as to what the next steps will be for the AF zoning district, and what actions staff should take to accomplish those next steps.

Author: Dale Throenle

Date: November 16, 2023

Attachments

1. *Planning Commission Townhalls Summary*
2. *Table 1 – 1977 Zoning Districts map*
3. *Table 1 – 2008 Zoning Districts map*
4. *Table 1 – Township AF Zoning District map*
5. *Table 1 – Frequently Asked Questions handout*
6. *Table 2 – Future Land Use map*
7. *Table 2 – Future Growth Sectors map*
8. *Table 2 – AF Acreage Sizes Today map*
9. *Table 3 – AF Parcels by Acreage map*



10. *Table 3 – Proposed Agriculture Zoning Districts Comparisons handout*
11. *Table 4 – AF Acreage Self-Select – Northwest*
12. *Table 4 – AF Acreage Self-Select – Southwest*
13. *Table 4 – AF Acreage Self-Select – Northeast*
14. *Table 4 – AF Acreage Self-Select – Southeast*



Planning Commission Townhalls Summary

Townhall Dates

The scheduled townhall dates were:

- September 26, 2023 from 6 PM to 7:30 PM
- October 10, 2023 from 7 PM to 8:30 PM
- October 17, 2023 from 6 PM to 7:30 PM

Notifications

Public notice was put in the *Mining Journal* on September 13, 2023.

634 postcards were mailed to residents in the Agriculture / Forestry (AF) zoning districts; 11 (1.74%) were returned to the Township as undeliverable.

Notice was also posted on the Township website and the Township message board for all meetings.

Maps and Information Presented at the Meetings

Tables were set up with maps, handouts, and / or other materials at each table.

Table 1

- *1977 Zoning Districts* map
- *2008 Zoning Districts* map
- *Township AF Zoning District* map
- *Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Frequently Asked Questions* handout

Table 2

- *Future Land Use* map (from the master plan)
- *Future Growth Sectors* map (from the master plan)
- *AF Acreage Sizes Today* map

Table 3

- *Proposed Acreage Sizes* map
- *Proposed Agriculture Zoning Districts – Comparisons* handout that designated the proposed district uses

Table 4

- *Parcel Selection – Northwest* pin map
- *Parcel Selection – Southwest* pin map
- *Parcel Selection – Northeast* pin map
- *Parcel Selection – Southeast* pin map



- Four colored pins for selection:

Color	Pin Number	Description
White	1	3 acres or less minimum
Blue	2	3 acres to 15 acres minimum
Yellow	3	15 acres or more minimum
Black	4	remain at 20 acres minimum

Table 5

- Feedback box for comments, questions, and concerns
- Signup box for the Township newsletter

Recorded Attendance at the Meetings

Residents were requested to sign in prior to each meeting. The number of residents signing in were:

Meeting	Sign In Count	Attendance
September 26	20	26
October 10	25	28
October 17	21	35
Totals	66	89

As shown, residents attended without signing the attendance form. Attendance counts do not include Planning Commissioners or staff.

Written Comments Received at the Meetings

A drop box was provided at the meeting to give attendees the opportunity to provide written comments.

Ten written comments were received, as shown below.

Note: Comments are recorded as written, including spelling and grammar.

Comment

Hello,

to many restrictions on AG # 2 vs AG # 3 and contrary to presentation there are more conditional uses on AG # 3 than Resource (AF) Production which we have. (

Thank you for taking the time for the public.

Comment

A 3 should be a minimum 20, maybe 40

A 2 should be 10 – 20

There is way too much potential to subdivide Little Lake Road into 3 acre parcels in the current draft. That is way too many neighbors for agricultural uses.



Comment

My neighbors, Richard and Kay Reader are unable to attend these meetings. They have expressed to me their desire to keep minimum acreage to 20 acres, and for me to relay this opinion.

Leanne Hatfield

Comment

I live at 525 Cherry Creek Rd and would strongly encourage the township to zone my parcel and surrounding area as AG-1.

Sam Salo

Comment

Bottom Line Goal – Preferences –

- Let city be city and rural be rural
- Agriculture and wild land are important values

Comment

Thankyou for your work, I support what you are trying to accomplish – But have concerns about fragmenting AG (not geographically) but use and Regulations. AG# 1 too restrictive on use – AG#2 also too restrictive – geographically it makes sense but not use of private land 😊

Comment

Great Presentation –

I recommend keeping acreage sizes to dimensions of 40 e.g. 10, 20 etc. Because most larger parcels are 40, 60, 80, 100 etc.

Comment

Area North of 480 and East of Cherry Creek Rd should remain 20 acres or more.

This area is clearly designed to remain a forestry area and small lots would allow trees to be cut and lots to become without tree cover.

Comment

I am hopeful that you will create a district from the small lots in Sand River to allow for a reasonable side setback of 10' as is outlined in the AG1 definition.

Thank you.

Comment

AG#3 should be smaller. Much food can be grown on very little space – AG# 3 = 5 acres or Even Less

JB



Email Signup

A drop box was provided at the meeting to give attendees the opportunity to sign up for communications from the Township.

34 sign up requests were received.

Post Townhall Meeting

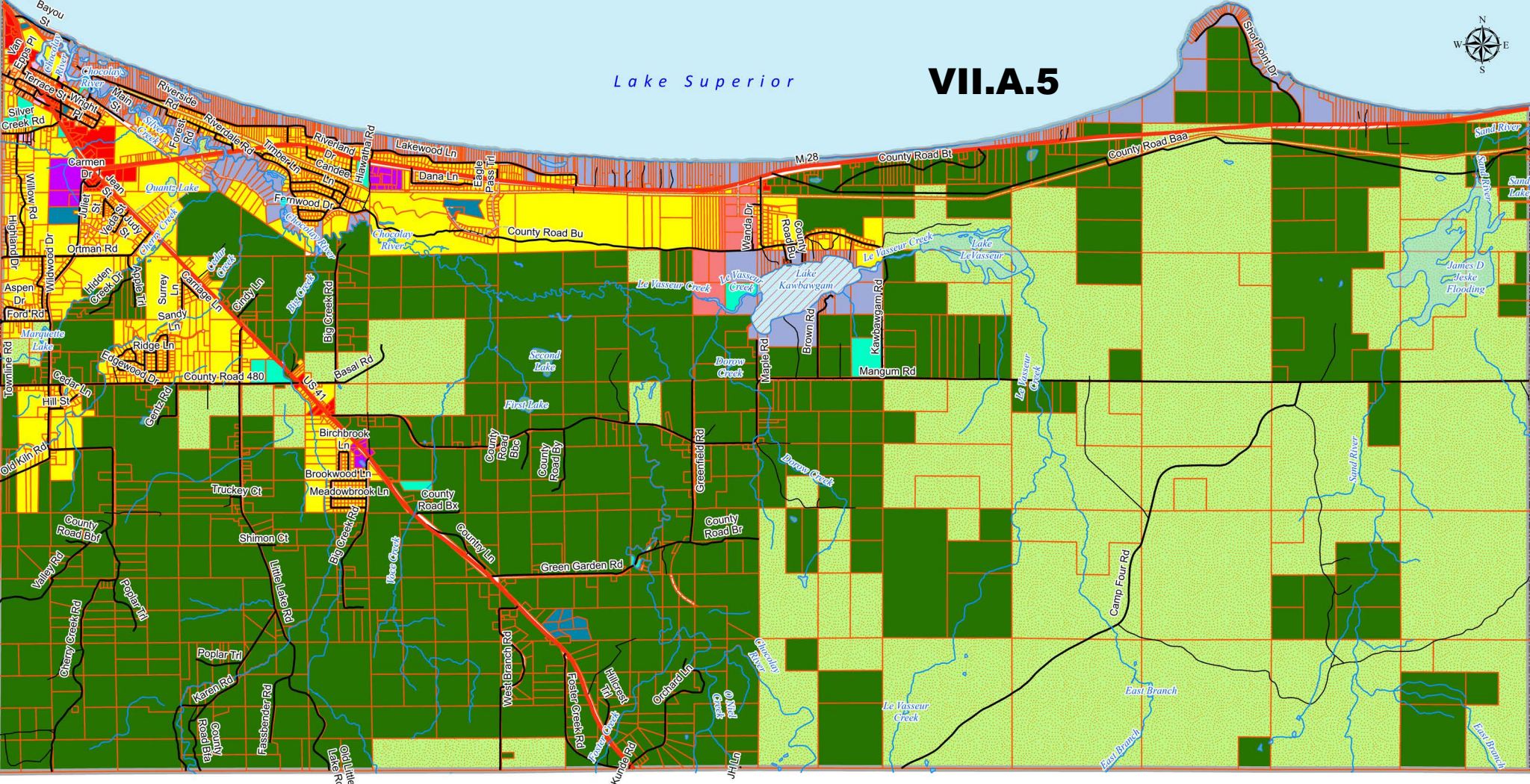
Staff generated five GIS maps to represent the pins placed on the maps during the Townhalls.

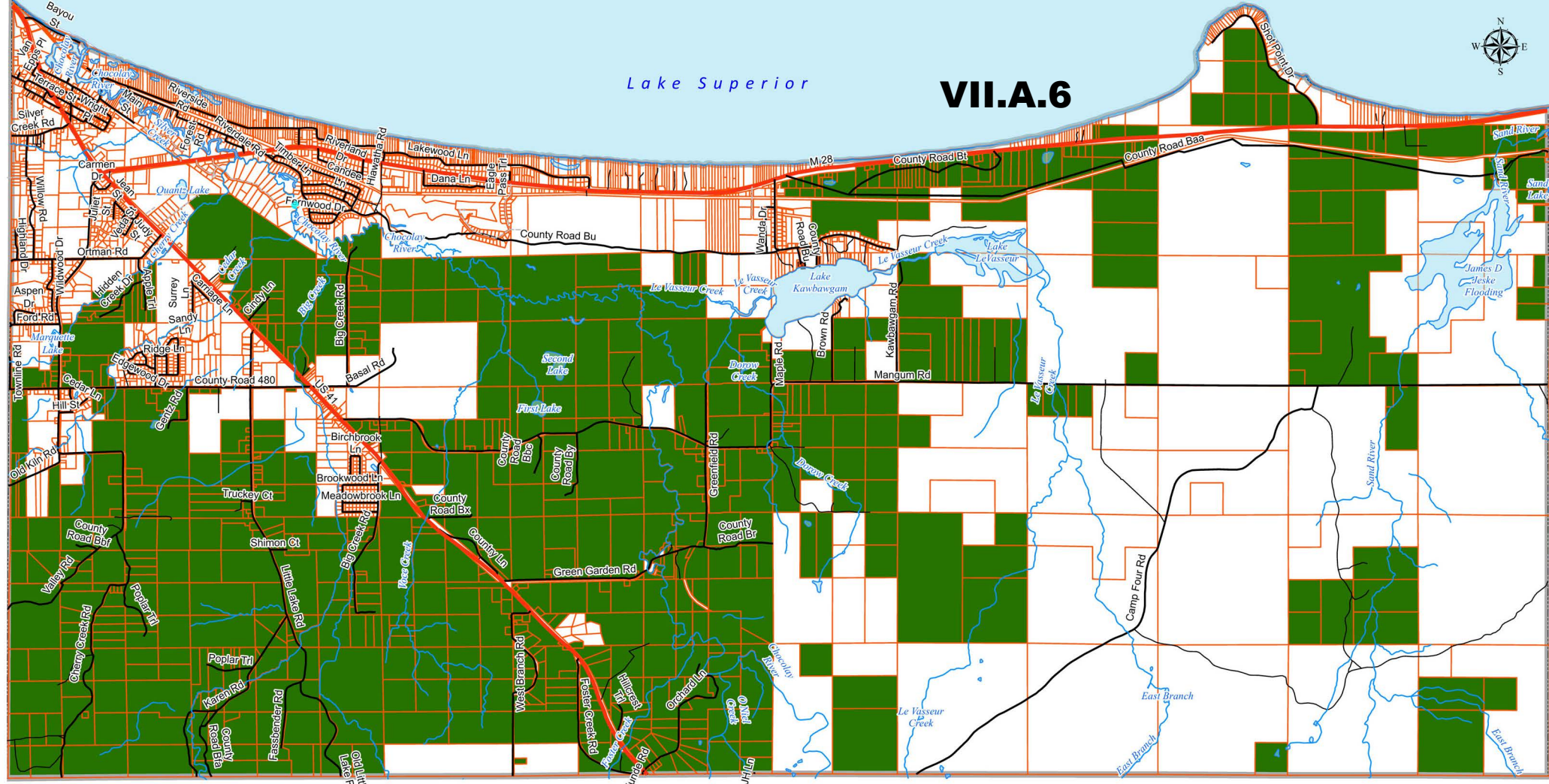
Maps were color-coded to match the pin color selections on the maps.



Lake Superior

VII.A.5





Lake Superior

VII.A.6



0 0.75 1.5 Miles



Charter Township of Chocolay

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313
www.chocolay.org

Draft Ordinance Considerations for the Agriculture / Forestry (AF) District

Frequently Asked Questions

1. What is this meeting about?

The meeting is about GATHERING input about changes to the Agriculture/ Forestry district ordinance to closely resemble the goals of the Township Master Plan.

2. Why is this important to the Township?

The township is obligated to review the Township Zoning Ordinance every five years to ensure it implements uses that implement the policies identified in the Township Master Plan. This allows a community to properly change consistent with the community vision.

3. Why are we gathering your input now?

The Agriculture/ Forestry district has many non-conforming parcels, land sizes below 20 acres. The Township cannot practice exclusionary zoning based on the Michigan Zoning Enabling Act. A large amount of the district is non-conforming meaning they are excluded from opportunities based on the current ordinances.

4. Why are we focused on the Agriculture/ Forestry District?

This is the largest land use designation in our Township. The public comment from 2003 to 2005 produced a Master Plan and Zoning Ordinance that increased property sizes in the AF district to 20 acres. In 2015, after a community survey, the Master Plan changed to suggests land sizes be reduced and options expanded for this area.

5. How is your input used in the planning process?

We need your input now to ensure the Township is developing ordinances that match the community's vision. ALL input is important during this time.

6. What are the next steps?

The Planning commission will gather the comments from these meeting along with the comments from the previous year of meetings to suggest a path forward. If a change is not requested then we will update the existing ordinance, if a change is requested then the Planning Commission is required to follow the update process:

1. Draft an ordinance
2. Hold a public Hearing
3. Recommend action to the Township Board
4. The Township Board would hold two readings of the draft
5. A vote of the Township Board to implement the ordinance or recommend an edit

All of these meetings are public!

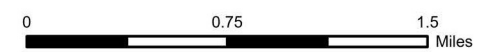
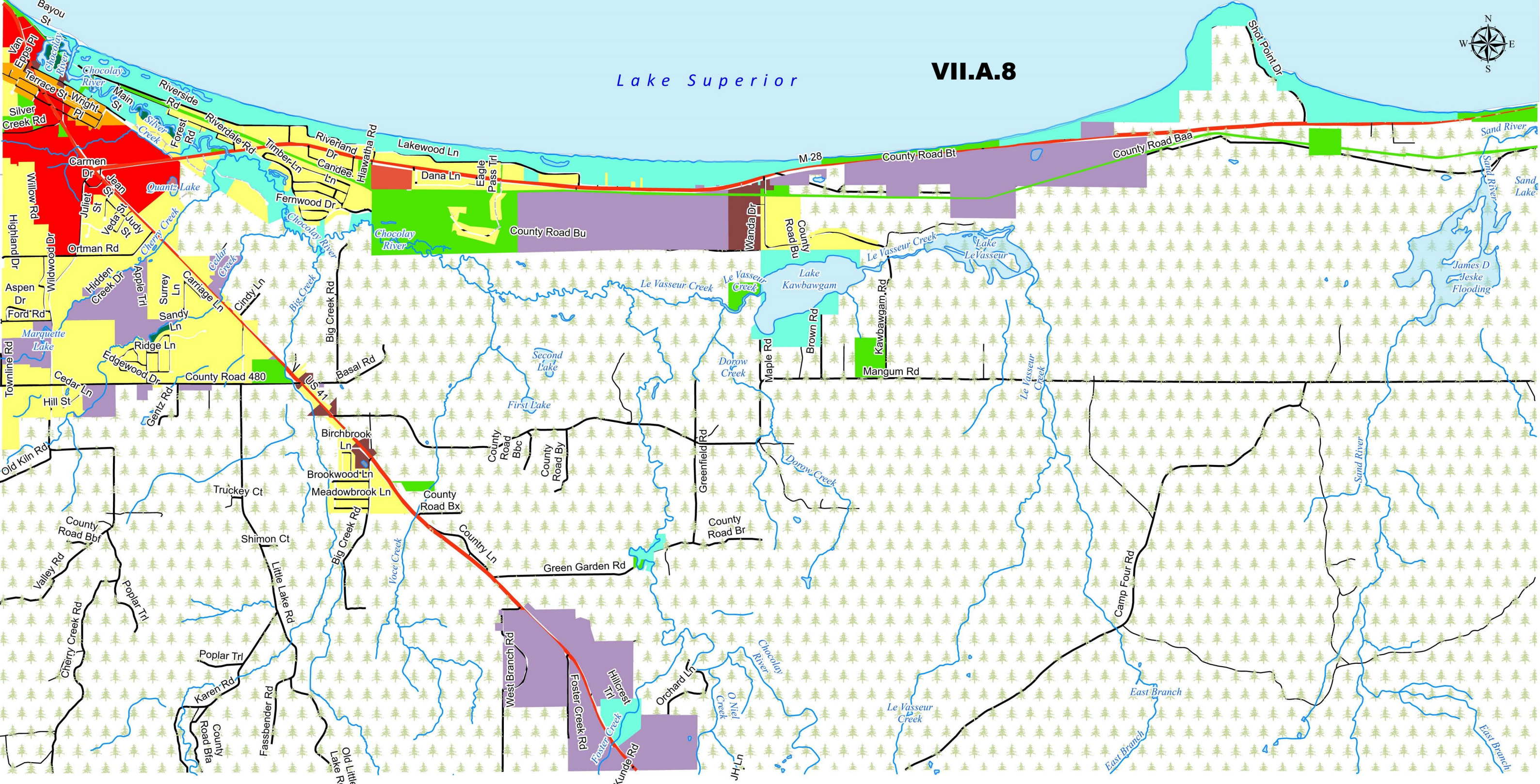
7. When could a change happen?

Based on the legal process, the soonest an ordinance draft can be reviewed for final approval normally takes six months of meetings.



Lake Superior

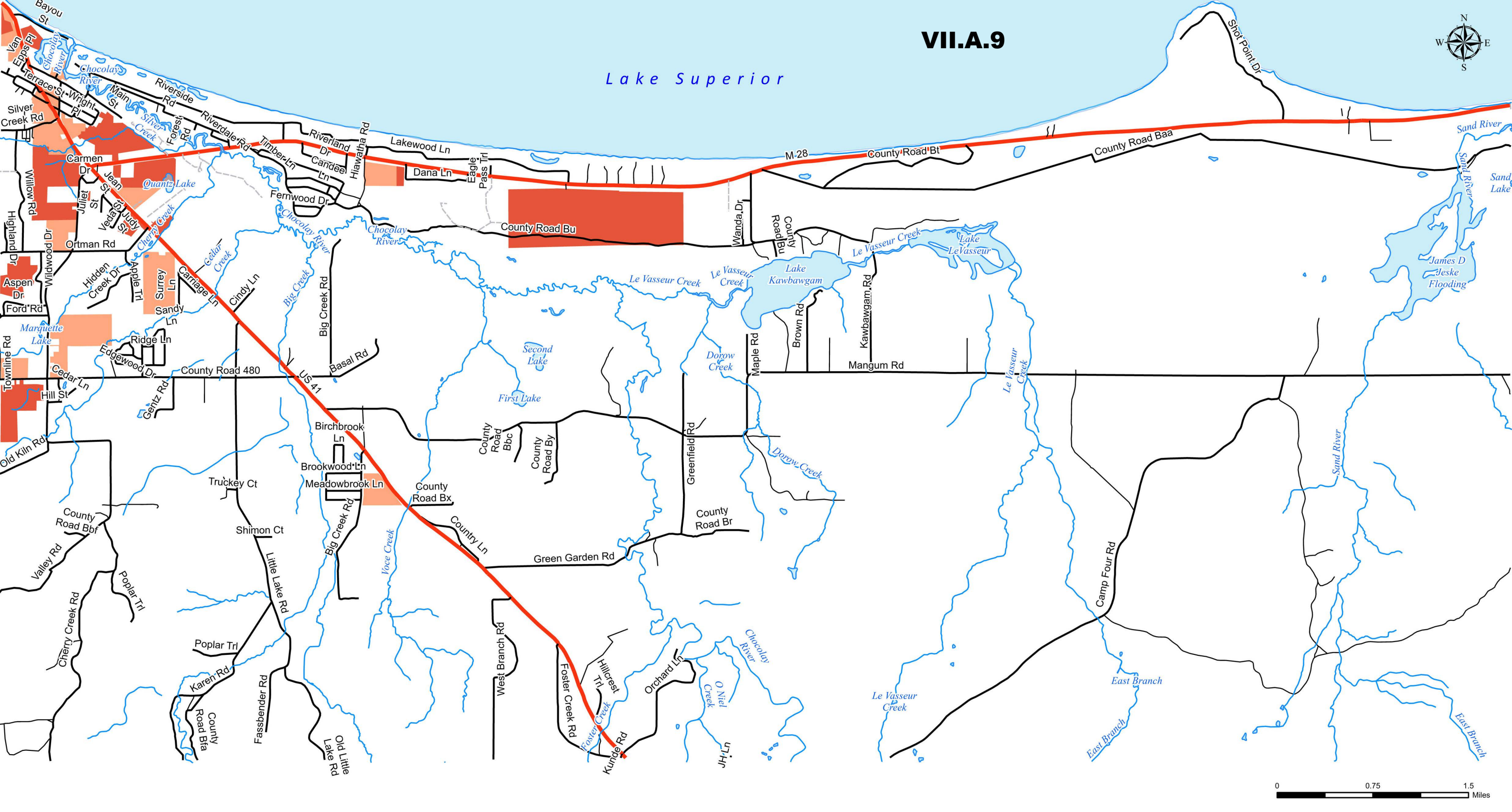
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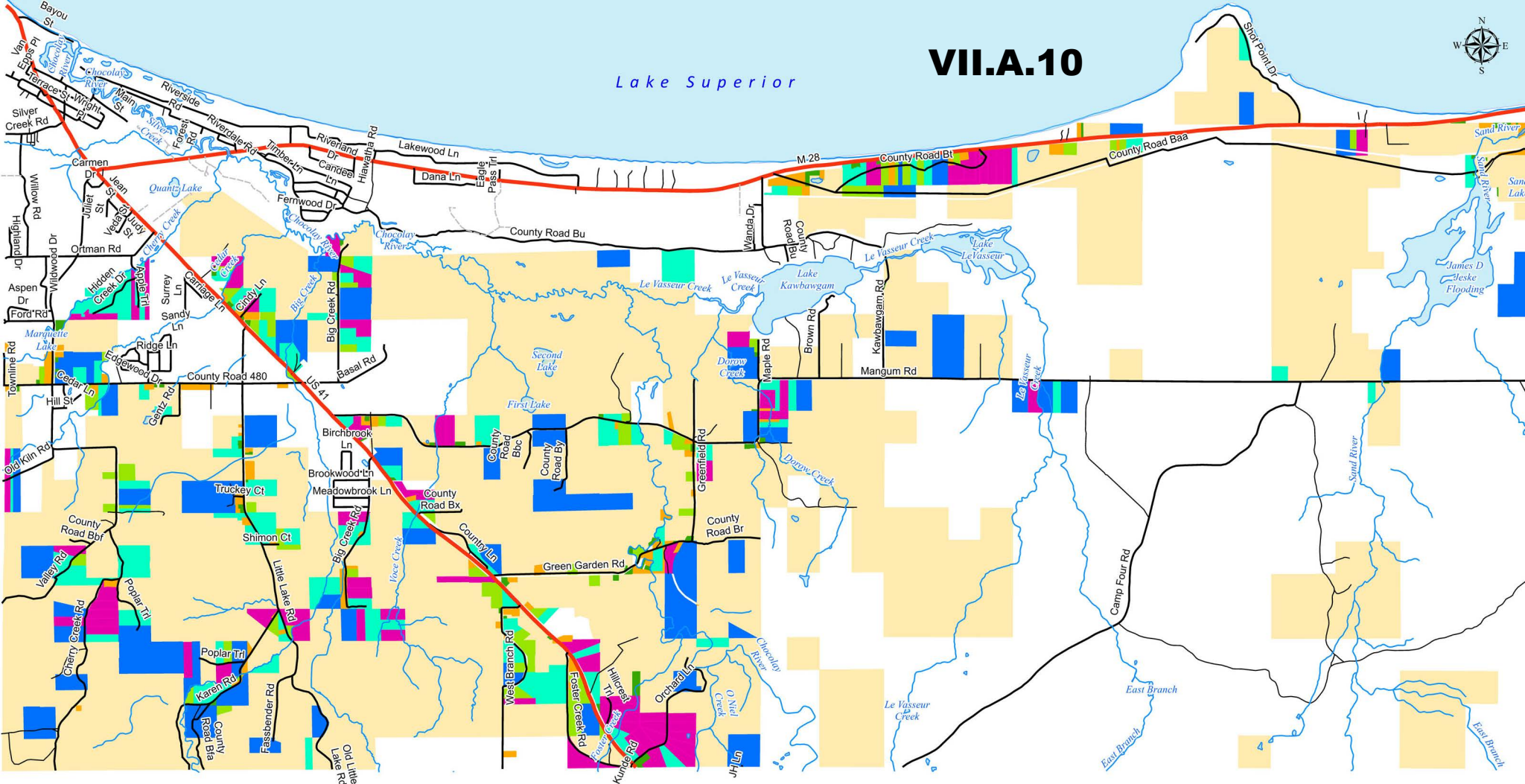
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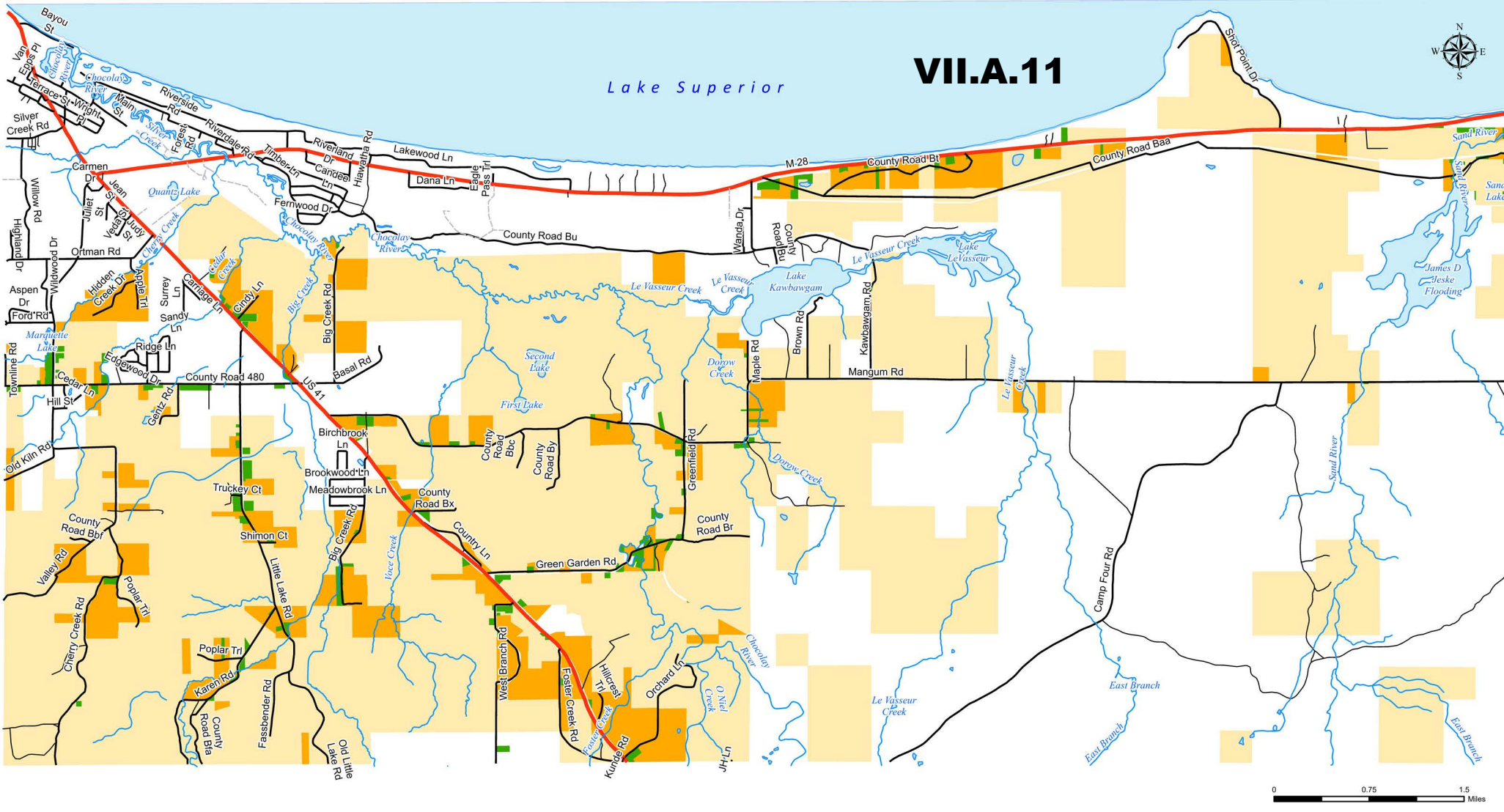
Lake Superior



VII.A.10



VII.A.11



Proposed Agriculture Zoning Districts – Comparisons

Intent Comparison

District	Intent
AG 1	The intent of this district is to accommodate low-density residential and agriculture-related development.
AG 2	The intent of this district is to accommodate low-density residential and agriculture-related development.
AG 3	The intent of this district is to establish and maintain areas suitable for a wide range of agricultural uses.

Acreege and Setback Requirements Comparison

District	District Acreege	Frontage Minimum	Setbacks (in feet)		
			Front	Side	Rear
AG 1	3 acres or less	75 feet	30	10	30
AG 2	3 acres to 15 acres	150 feet	30	30	30
AG 3	15 acres or more	200 feet	30	30	30

District Uses Comparison

Note

The following uses are mandated under the Michigan *Zoning Enabling Act*, section 125.3206:

- Adult foster care facility
- Child care center
- Family child care home
- Group child care home
- Qualified residential treatment program
- State licensed residential facility

Legend

Zoning District

AG 1 Agriculture – 0.5 to 3 acres **AG 2** Agriculture – 3 to 10 acres **AG 3** Agriculture – 15 acres or more

Use

C	conditional use	C ***	conditional use – 60 acres or more
C *	conditional use – 20 acres or more	P	permitted use
C **	conditional use – 40 acres or more	P *	permitted use – 20 acres or more

Proposed Agriculture Zoning Districts – Comparisons

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Accessory dwelling unit	C	P	P	P
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P	P	P
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	P	P	P
Accessory structure <i>Examples</i> garage pole barn shed storage container	P	P	P	P
Adult foster care facility		P	P	P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm hoop house	C	C	P	P
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed garden center plant nursery rental and small equipment repair		C	P	P
Agricultural - commercial soil modifications sales <i>Examples</i> fertilizer herbicide pesticide		C	C	C

Proposed Agriculture Zoning Districts – Comparisons

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
<p>Agriculture – on-premise sales</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> Christmas trees creamery dairy flower, herb, and spice store food truck maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery 	P	C	P	P
<p>Agriculture - on-site agritourism</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits library museum petting farm pumpkin patch roadside market or stand U-pick operation wedding barn 		C	C	P
<p>Agriculture – residential</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales 	P	P	P	P
<p>Animal services – indoor facility</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> animal hospital animal shelter veterinary services 		C	C	P
<p>Animal services – outdoor facility</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> animal hospital animal shelter veterinary services 		C	C	C
<p>Boarding stable</p> <p><i>Example</i></p> <ul style="list-style-type: none"> horse boarding 		P *	P *	P *

Proposed Agriculture Zoning Districts – Comparisons

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Campground	C *	C *	C *	C *
Cemetery		C	C	C
Child care center		P	P	P
Commercial recreation - outdoor <i>Examples</i> amusement park batting cage golf driving range miniature golf course zoo	C			C *
Community garden as a principal use on a lot		P	P	P
Contractor shop	C	C	C	C
Contractor yard	C	C	C	C
Craft brewery / micro-brewery / nano-brewery sales		C	C	C
Electric vehicle charging station for private use		P	P	P
Electric vehicle charging station for public use		C	C	C
Family child care home		P	P	P
Farmer's market as the accessory use of a lot		P	P	P
Farmer's market as the principal use of a lot		C	P	P
Food packaging and bottling works			C	C
Food truck or other mobile vendor as principal use of a lot		C		
Group child care home		C	C	C
Hunting or shooting preserve	C **	C **	C **	C **
Indoor sport shooting range		C	C	C
Kennel – indoor	C *	C *	C *	C *
Kennel – outdoor	C *	C *	C *	C *
Large housing Note Does not include: adult foster care facility child care center correctional facility family child care home hotel, motel, or similar lodging facility group child care home medical or social care multifamily residential qualified residential treatment program state licensed residential facility <i>Examples</i> co-op convent fraternity or sorority monastery seminary				C

Proposed Agriculture Zoning Districts – Comparisons

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Light intensity processing with accessory storage <i>Examples</i> commercial kitchen kitchen incubator small craft bottling facility		C	C	C
Light use structure <i>Examples</i> communication tower recycling collection center satellite antennae larger than ten feet in diameter				C
Medical or social care <i>Examples</i> assisted living facility halfway house homeless shelter home for the aged nursing or convalescent home orphanage sanitarium spouse abuse shelter		C	C	C
Medical clinic		C	C	C
Medical hospital				C
Medium manufacturing, including some outdoor operations or storage of materials or vehicles <i>Examples</i> Exterminator landscape supply machine shop recycling operation other than vehicles small vehicle, body, and frame repair towing with temporary outdoor storage welding shop wholesale lawn and garden services				C
Mining and / or mineral extraction and the incidental activities associated with such use	C	C	C	C
Mobile processing facility <i>Examples</i> food game processing meat processing		P	P	P
Multi-family residential		C	C	
On-site composting accessory to a non-residential use		C	P	P
Outdoor drive-in theatre		C	C	C
Outdoor flea market				C
Outdoor food preparation		C	C	C
Outdoor storage – not accessory to a business		C	C	
Outdoor wood boiler	P	P	P	P

Proposed Agriculture Zoning Districts – Comparisons

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Place of worship <i>Examples</i> church mosque synagogue temple	C	C	C	C
Planned Unit Development (PUD)	C	C		
Private park	C	C	C	C
Private school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C	C	C
Public park <i>Examples</i> neighborhood park public garden		C	C	C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center		C	C	C
Public school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C	C	C
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines		P	P	P
Qualified residential treatment program, 10 or fewer individuals		P	P	P
Recycling drop off site		C	C	C
Registered rental dwelling <i>Examples</i> bed and breakfast – single rental single family rental tourist home vacation rental similar rental with four units or less	P	P	P	P

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Resort	C	C	C	C
Riding stable or animal breeding facility accessory to a residence		C	C*	C*
Rural Cluster Development	C	C	C	
Sawmill		C	P	P
Single family residential	P	P	P	P
Site condominiums		P	C	C
Solar energy system (SES) - roof mounted		P	P	P
Solar energy system (SES) - accessory ground mounted		P	P	P
Solar energy system (SES) - large commercial arrays		C	C	C
State licensed residential facility		P	P	P
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale		P	P	P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C	C	C
Wind energy conservation system (WECS), ground mounted	C	C	C	C
Wind energy conservation system (WECS), roof mounted	C	C	C	C
Wildlife management	P	P	P	P
Wireless communication facility	C	C	C	C

District Restrictions and Prohibitions Comparison

District	Restrictions and Prohibitions
AG 1	1. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed.
AG 2	1. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed. 2. No Planned Unit Development (PUD) permitted.
AG 3	1. No Planned Unit Development (PUD) permitted. 2. No divisions allowed under PA116 or Qualified Forestry Program Property 3. No land divisions beyond the Michigan Land Division Act for parent parcels.

District Regulatory Control Comparison

District	District Regulatory Control
AG 1	1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AG 2	1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AG 3	1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD) 3. Michigan Land Division Act 4. Michigan PA 116



Charter Township of Chocolay

Townhall Parcel Selection

Northeast

9.26.2023, 10.10.2023,
and 10.17.2023

Lakes, Rivers and Streams

- Lake
- Lake Superior
- River or stream

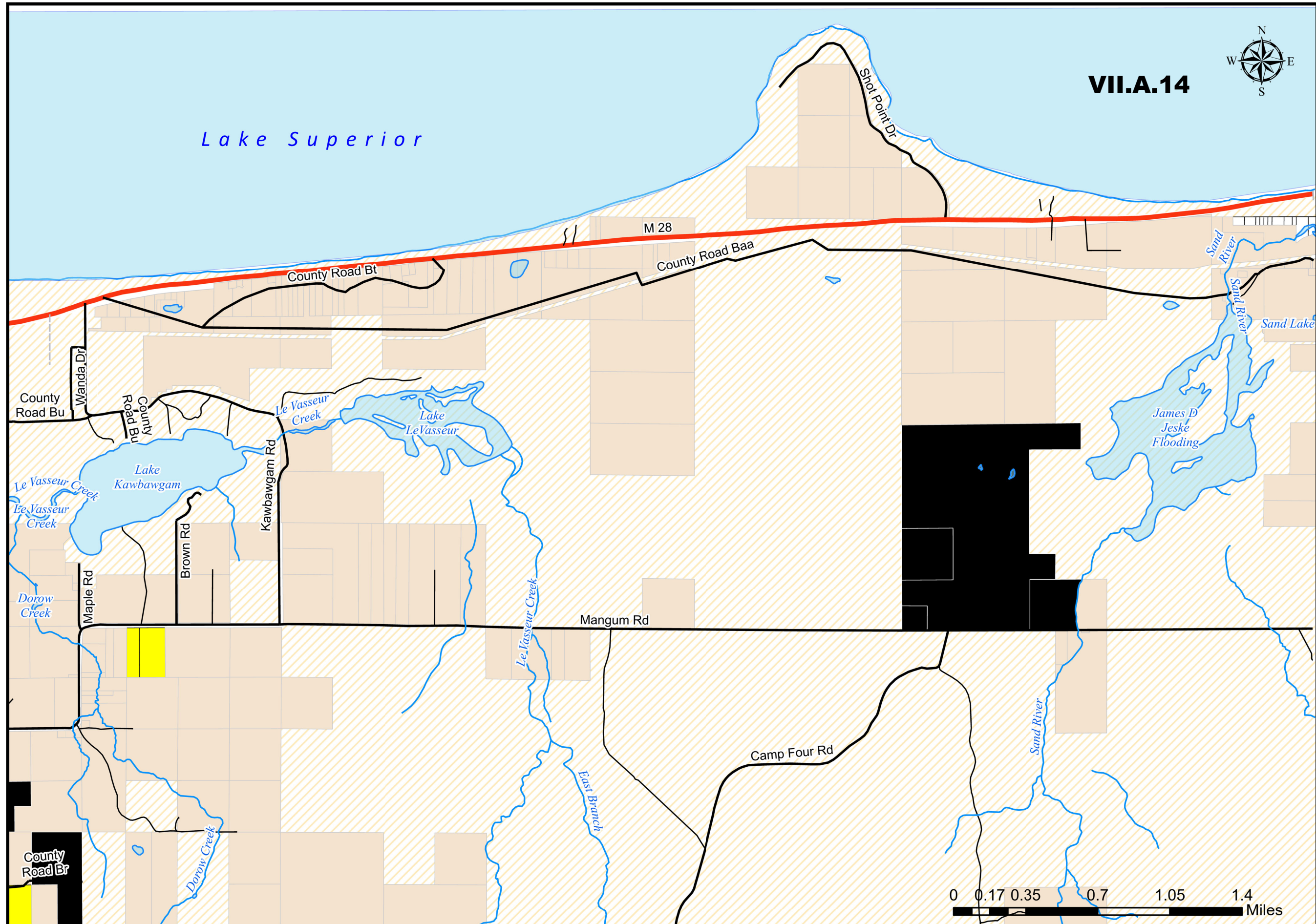
Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

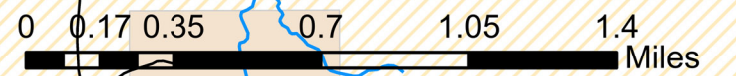
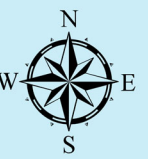
Parcel Selection

- no selection
- change to 3 acres or less minimum
- change to 15 acres or more minimum
- remain at 20 acres minimum
- Not AF zoning

Not intended for legal use



VII.A.14





Charter Township of Chocolay

Townhall Parcel Selection Southwest

9.26.2023, 10.10.2023, and 10.17.2023

Lakes, Rivers and Streams

- Lake
- River or stream

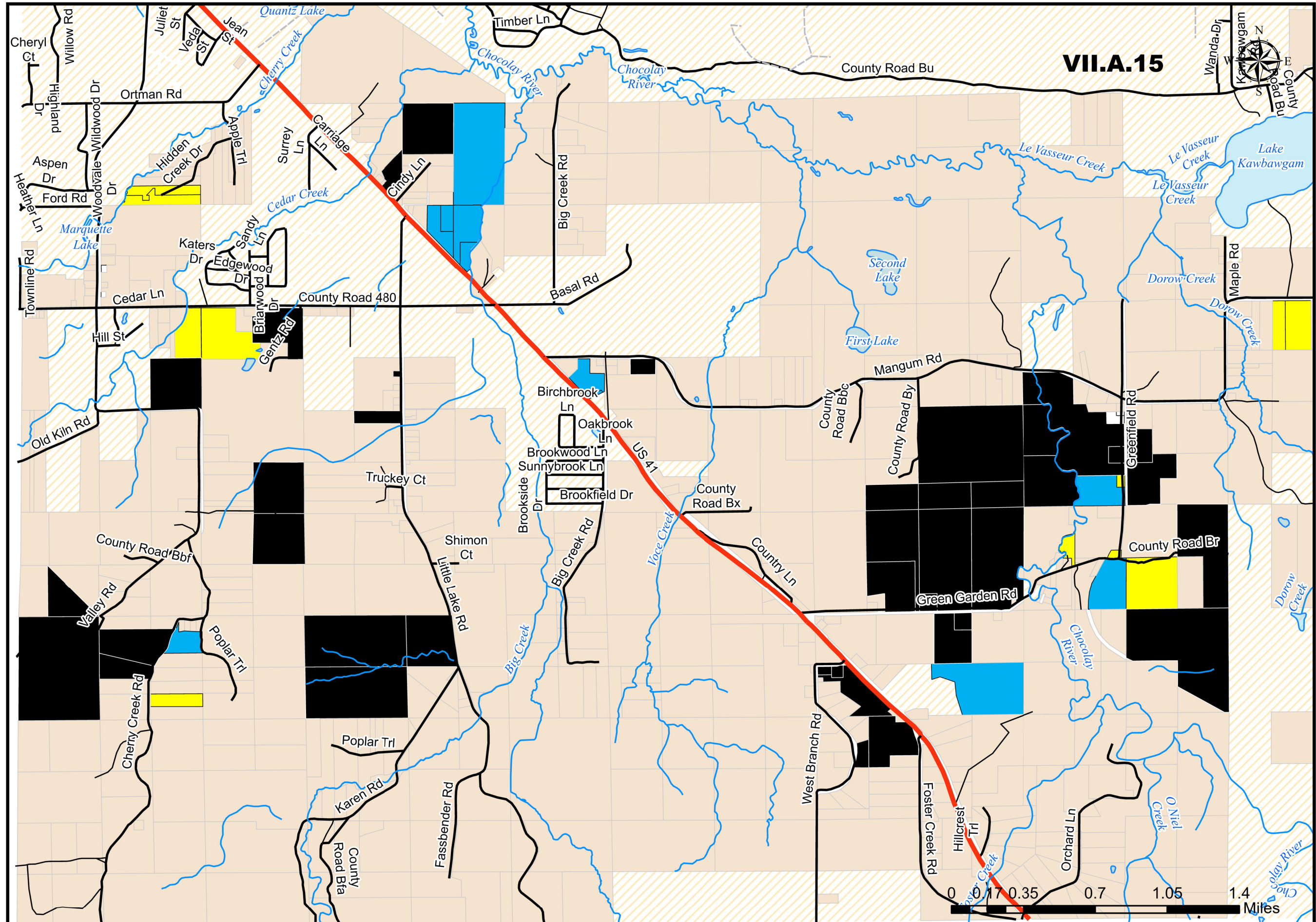
Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

Parcel Selection

- no selection
- change to 3 acres or less minimum
- change to 3 acres to 15 acres minimum
- change to 15 acres or more minimum
- remain at 20 acres minimum
- Not AF zoning

Not intended for legal use





Charter Township of Chocolay

Townhall Parcel Selection Southeast

09.26.2023, 10.10.2023, and 10.17.2023

Lakes, Rivers and Streams

- Lake
- River or stream

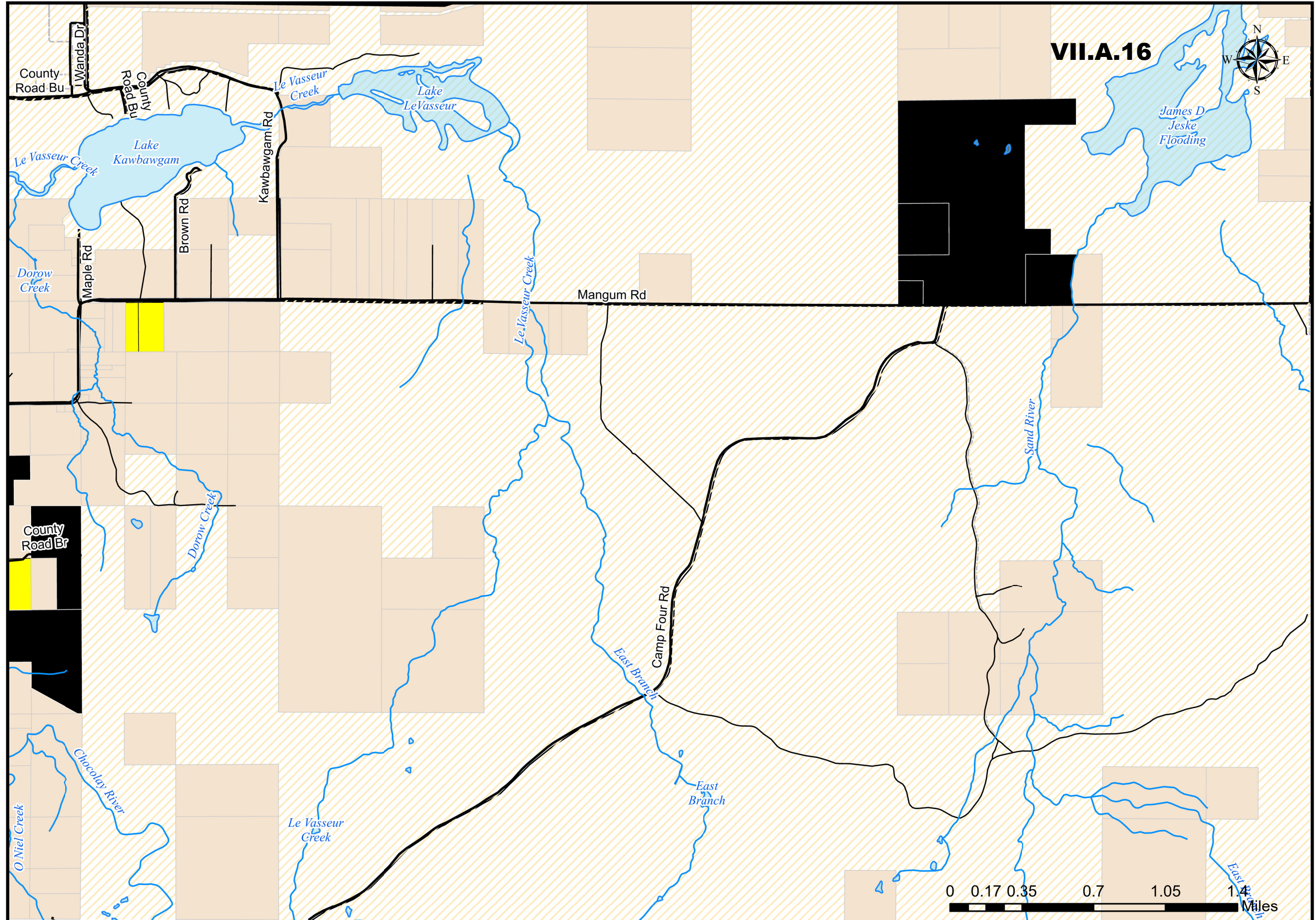
Roads

- Primary road
- Secondary road
- Unpaved / not classified

Parcel Selection

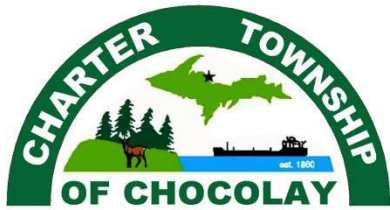
- no selection
- change to 15 acres or more minimum
- remain at 20 acres minimum
- Not AF zoning

Not intended for legal use



VII.A.16





Charter Township of Chocolay

Planning and Zoning Department

5010 US 41 South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Issue Brief: Housing Discussion

Meeting: Planning Commission Meeting

Date: November 20, 2023

Issue Summary

Discussion regarding housing in the Township, with additional considerations for Accessory Dwelling Units (ADUs).

Background

The Planning Director Chair requested a discussion on housing-related issues in the Township regarding an aging population and potential expansion of the ADU language in the Township zoning ordinance. The Chair provided documents to be distributed to the Commissioners for discussion purposes (see attached).

Staff Research

Staff reviewed census data regarding the aging population and housing questions. Staff has prepared a census summary document and a census detail document that compares census data with six different value sets (see attached). Staff chose the following value sets for comparison, and highlighted the highest population data within each set:

- a) State of Michigan – the state was chosen to set benchmark comparisons with the other value sets.
- b) Marquette County – the county data was chosen to view the total population within Marquette County
- c) City of Marquette – the city data was chosen as the city is the closest and largest population center to Chocolay Township
- d) Chocolay Township – the township data was chosen to view how Chocolay Township compared to the other value sets
- e) Forsyth Township – the township data was chosen as Forsyth Township is the largest land area township in the County, and the population count is similar to Chocolay Township
- f) Marquette Township – the township data was chosen to as the township is the closest township with a large population to Chocolay Township

Staff extracted population pyramid images from the United States 2020 census data for the six entities. Those images were extracted from the following and are attached for Commissioner review:

State of Michigan

<https://data.census.gov/vizwidget?g=040XX00US26&infoSection=Age+and+Sex>

Marquette County

<https://data.census.gov/vizwidget?g=050XX00US26103&infoSection=Age+and+Sex>

City of Marquette

<https://data.census.gov/vizwidget?g=160XX00US2651900&infoSection=Age+and+Sex>



Chocolay Township

<https://data.census.gov/vizwidget?g=060XX00US2610315660&infoSection=Age+and+Sex>

Forsyth Township

<https://data.census.gov/vizwidget?g=060XX00US2610329720&infoSection=Age+and+Sex>

Marquette Township

<https://data.census.gov/vizwidget?g=060XX00US2610351920&infoSection=Age+and+Sex>

Staff Recommendations for Commissioner Discussion

Staff is recommending the Commissioners review the attached documents, with the intention of discussing population trends and the potential changes to the ADU language in the Township zoning ordinance.

Staff is also recommending the Commissioners address the following questions regarding ADUs:

- 1) What is the purpose of an ADU?
- 2) What zoning districts should be considered for ADUs?
- 3) How small / large can an ADU be?
- 4) What types of ADUs should be considered (above garage, independent structure, internal, addition to existing structure, etc.)
- 5) How many ADUs can be put on a property?
- 6) Should there be a consideration of cost of adding an ADU to a property and how to get a return on that investment?
- 7) Will an ADU be eligible to be rented?

Author: Dale Throenle

Date: November 16, 2023

Attachments

1. *Census Comparisons – Census Summary*
2. *Census Comparisons – Census Detail*
3. *Population pyramid – State of Michigan*
4. *Population pyramid – Marquette County*
5. *Population pyramid – City of Marquette*
6. *Population pyramid – Chocolay Township*
7. *Population pyramid – Forsyth Township*
8. *Population pyramid – Marquette Township*
9. *ABCs of ADUs*
10. *MAP Accessory Dwelling Unit handout*

Chocolay Township
Census Comparisons

State of Michigan			Chocolay Township		
Population	10,062,512		Population	5,964	
55 or older combined	3,149,639	31.30%	55 or older combined	2,261	37.91%
Median Income	\$66,986		Median Income	\$75,221	
Employment	58.7%		Employment	58.0%	
Housing Units	4,570,173		Housing Units	2,833	
Average Per Housing Unit	2.20		Average Per Housing Unit	2.11	
Total Households	4,089,794		Total Households	2,461	
Average Per Household	2.46		Average Per Household	2.42	
Marquette County			Forsyth Township		
Population	66,380		Population	6,230	
55 or older combined	21,903	33.00%	55 or older combined	2,514	60.58%
Median Income	\$61,474		Median Income	\$54,924	
Employment	58.1%		Employment	45.0%	
Housing Units	33,454		Housing Units	3,471	
Average Per Housing Unit	1.98		Average Per Housing Unit	1.79	
Total Households	28,633		Total Households	2,413	
Average Per Household	2.32		Average Per Household	2.58	

Chocolay Township

Census Comparisons

City of Marquette			Marquette Township		
Population	20,651		Population	4,150	
55 or older combined	5,357	25.94%	55 or older combined	1,693	40.80%
Median Income	\$47,179		Median Income	\$63,826	
Employment	58.4%		Employment	49.5%	
Housing Units	9,114		Housing Units	2,094	
Average Per Housing Unit	2.27		Average Per Housing Unit	1.98	
Total Households	8,163		Total Households	1,773	
Average Per Household	2.53		Average Per Household	2.34	

Chocolay Township
Census Comparisons

VIII.A.3

State of Michigan

Population	10,062,512			
Age Range	Male	Percent	Female	Percent
85 and over	74,134	0.74%	133,946	1.33%
80 to 84	80,360	0.80%	108,018	1.07%
75 to 79	131,350	1.31%	158,342	1.57%
70 to 74	214,587	2.13%	245,075	2.44%
65 to 69	284,320	2.83%	302,924	3.01%
60 to 64	345,966	3.44%	359,530	3.57%
55 to 59	350,845	3.49%	360,242	3.58%
50 to 54	329,890	3.28%	332,435	3.30%
45 to 49	308,761	3.07%	311,092	3.09%
40 to 44	290,209	2.88%	288,969	2.87%
35 to 39	307,002	3.05%	306,100	3.04%
30 to 34	313,922	3.12%	308,816	3.07%
25 to 29	344,878	3.43%	331,419	3.29%
20 to 24	347,899	3.46%	334,825	3.33%
15 to 19	339,252	3.37%	323,475	3.21%
10 to 14	324,974	3.23%	309,219	3.07%
5 to 9	306,114	3.04%	288,805	2.87%
under 5 years	288,862	2.87%	275,955	2.74%
Totals	4,983,325	49.52%	5,079,187	50.48%
55 or older by sex	1,481,562	14.72%	1,668,077	16.58%
55 or older combined	3,149,639	31.30%		
Median Income	\$66,986			
Employment	58.7%			
Housing Units	4,570,173			
Average Per Housing Unit	2.20			
Total Households	4,089,794			
Average Per Household	2.46			

Chocolay Township

Population	5,964			
Age Range	Male	Percent	Female	Percent
85 and over	35	0.59%	42	0.70%
80 to 84	15	0.25%	39	0.65%
75 to 79	136	2.28%	158	2.65%
70 to 74	128	2.15%	142	2.38%
65 to 69	339	5.68%	213	3.57%
60 to 64	420	7.04%	322	5.40%
55 to 59	110	1.84%	162	2.72%
50 to 54	163	2.73%	187	3.14%
45 to 49	198	3.32%	136	2.28%
40 to 44	181	3.03%	195	3.27%
35 to 39	184	3.09%	214	3.59%
30 to 34	179	3.00%	134	2.25%
25 to 29	193	3.24%	223	3.74%
20 to 24	159	2.67%	149	2.50%
15 to 19	159	2.67%	142	2.38%
10 to 14	193	3.24%	182	3.05%
5 to 9	147	2.46%	113	1.89%
under 5 years	121	2.03%	151	2.53%
Totals	3,060	51.31%	2,904	48.69%
55 or older by sex	1,183	19.84%	1,078	18.08%
55 or older combined	2,261	37.91%		
Median Income	\$75,221			
Employment	58.0%			
Housing Units	2,833			
Average Per Housing Unit	2.11			
Total Households	2,461			
Average Per Household	2.42			

Chocolay Township
Census Comparisons

Census Detail

Marquette County

Population	66,380			
Age Range	Male	Percent	Female	Percent
85 and over	589	0.89%	874	1.32%
80 to 84	621	0.94%	736	1.11%
75 to 79	991	1.49%	1,088	1.64%
70 to 74	1,551	2.34%	1,588	2.39%
65 to 69	2,493	3.76%	2,228	3.36%
60 to 64	2,549	3.84%	2,296	3.46%
55 to 59	2,042	3.08%	2,257	3.40%
50 to 54	1,975	2.98%	1,788	2.69%
45 to 49	1,843	2.78%	1,647	2.48%
40 to 44	1,675	2.52%	1,447	2.18%
35 to 39	2,240	3.37%	2,136	3.22%
30 to 34	1,890	2.85%	1,752	2.64%
25 to 29	2,218	3.34%	1,824	2.75%
20 to 24	3,569	5.38%	3,698	5.57%
15 to 19	2,371	3.57%	2,464	3.71%
10 to 14	1,791	2.70%	1,848	2.78%
5 to 9	1,750	2.64%	1,516	2.28%
under 5 years	1,473	2.22%	1,562	2.35%
Totals	33,631	50.66%	32,749	49.34%
55 or older by sex	10,836	16.32%	11,067	16.67%
55 or older combined	21,903	33.00%		
Median Income	\$61,474			
Employment	58.1%			
Housing Units	33,454			
Average Per Housing Unit	1.98			
Total Households	28,633			
Average Per Household	2.32			

Forsyth Township

Population	6,230			
Age Range	Male	Percent	Female	Percent
85 and over	23	0.37%	32	0.51%
80 to 84	113	1.81%	73	1.17%
75 to 79	95	1.52%	188	3.02%
70 to 74	313	5.02%	189	3.03%
65 to 69	169	2.71%	279	4.48%
60 to 64	262	4.21%	262	4.21%
55 to 59	262	4.21%	254	4.08%
50 to 54	117	1.88%	226	3.63%
45 to 49	158	2.54%	54	0.87%
40 to 44	111	1.78%	350	5.62%
35 to 39	168	2.70%	138	2.22%
30 to 34	225	3.61%	88	1.41%
25 to 29	66	1.06%	90	1.44%
20 to 24	156	2.50%	80	1.28%
15 to 19	404	6.48%	248	3.98%
10 to 14	233	3.74%	160	2.57%
5 to 9	207	3.32%	197	3.16%
under 5 years	123	1.97%	117	1.88%
Totals	3,205	51.44%	3,025	48.56%
55 or older by sex	1,237	29.81%	1,277	30.77%
55 or older combined	2,514	60.58%		
Median Income	\$54,924			
Employment	45.0%			
Housing Units	3,471			
Average Per Housing Unit	1.79			
Total Households	2,413			
Average Per Household	2.58			

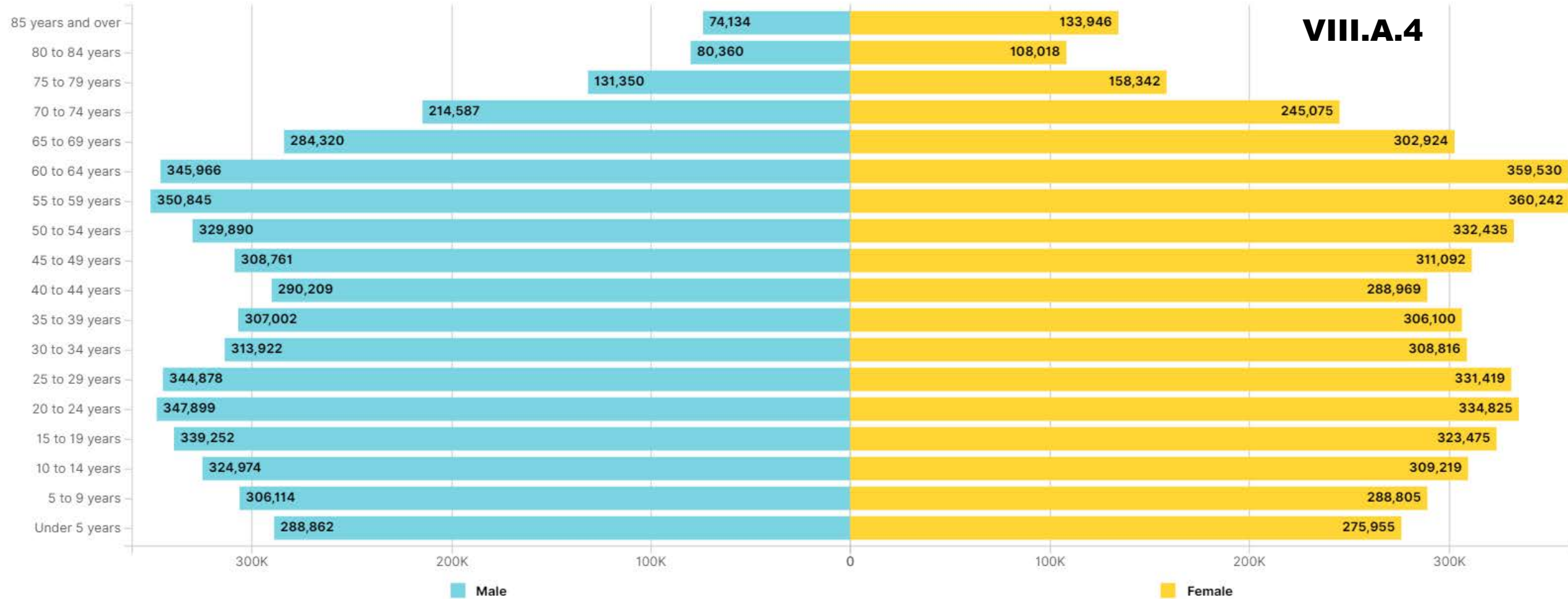
Chocolay Township
Census Comparisons

City of Marquette					Marquette Township				
Population					Population				
	20,651					4,150			
Age Range	Male	Percent	Female	Percent	Age Range	Male	Percent	Female	Percent
85 and over	179	0.87%	287	1.39%	85 and over	172	4.14%	59	1.42%
80 to 84	172	0.83%	190	0.92%	80 to 84	28	0.67%	116	2.80%
75 to 79	278	1.35%	260	1.26%	75 to 79	58	1.40%	74	1.78%
70 to 74	343	1.66%	447	2.16%	70 to 74	79	1.90%	64	1.54%
65 to 69	516	2.50%	568	2.75%	65 to 69	290	6.99%	121	2.92%
60 to 64	561	2.72%	470	2.28%	60 to 64	126	3.04%	153	3.69%
55 to 59	555	2.69%	531	2.57%	55 to 59	179	4.31%	174	4.19%
50 to 54	629	3.05%	359	1.74%	50 to 54	109	2.63%	105	2.53%
45 to 49	521	2.52%	468	2.27%	45 to 49	55	1.33%	99	2.39%
40 to 44	411	1.99%	234	1.13%	40 to 44	42	1.01%	59	1.42%
35 to 39	533	2.58%	566	2.74%	35 to 39	183	4.41%	94	2.27%
30 to 34	721	3.49%	558	2.70%	30 to 34	104	2.51%	167	4.02%
25 to 29	943	4.57%	733	3.55%	25 to 29	176	4.24%	130	3.13%
20 to 24	2,306	11.17%	2,446	11.84%	20 to 24	211	5.08%	105	2.53%
15 to 19	789	3.82%	1,048	5.07%	15 to 19	68	1.64%	108	2.60%
10 to 14	227	1.10%	372	1.80%	10 to 14	100	2.41%	117	2.82%
5 to 9	336	1.63%	298	1.44%	5 to 9	61	1.47%	121	2.92%
under 5 years	400	1.94%	306	1.48%	under 5 years	69	1.66%	174	4.19%
Totals	10,420	50.46%	10,141	49.11%	Totals	2,110	50.84%	2,040	49.16%
55 or older by sex	2,604	12.61%	2,753	13.33%	55 or older by sex	932	22.46%	761	18.34%
55 or older combined	5,357	25.94%			55 or older combined	1,693	40.80%		
Median Income	\$47,179				Median Income	\$63,826			
Employment	58.4%				Employment	49.5%			
Housing Units	9,114				Housing Units	2,094			
Average Per Housing Unit	2.27				Average Per Housing Unit	1.98			
Total Households	8,163				Total Households	1,773			
Average Per Household	2.53				Average Per Household	2.34			

Population Pyramid: Population by Age and Sex in Michigan

Michigan

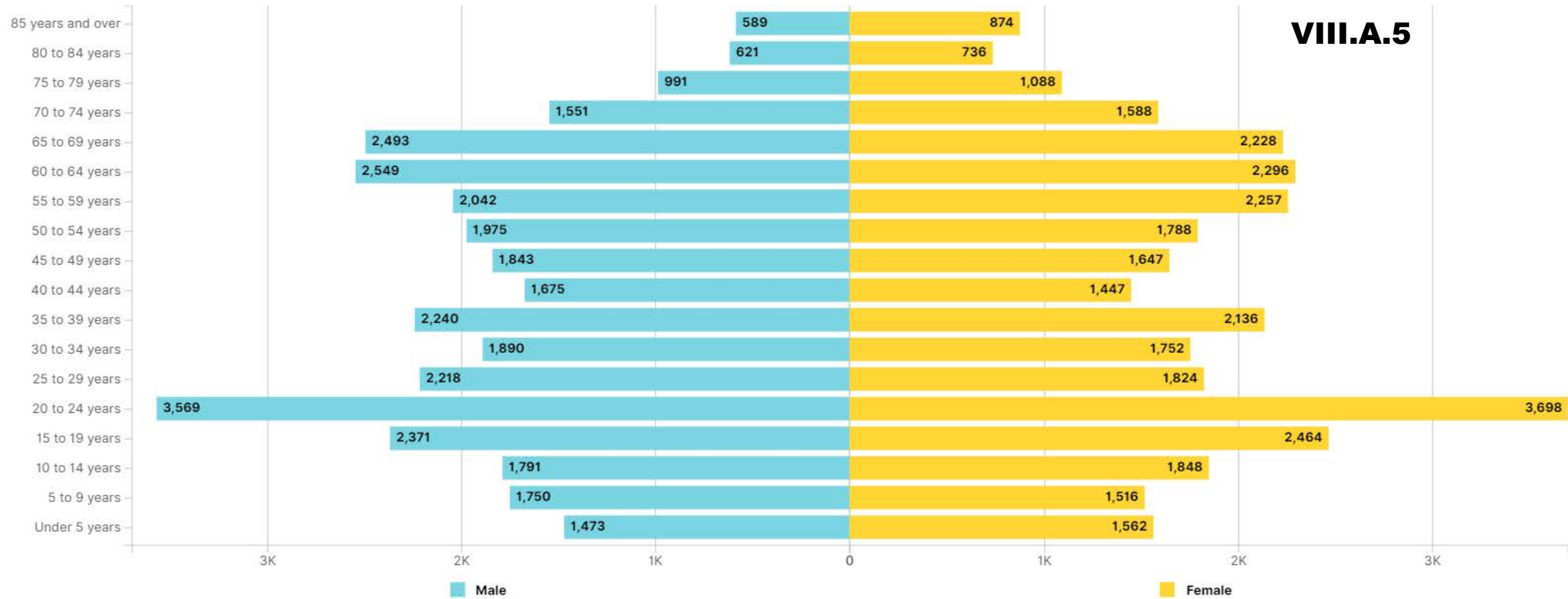
VIII.A.4



Population Pyramid: Population by Age and Sex in Marquette County, Michigan

Marquette County, Michigan

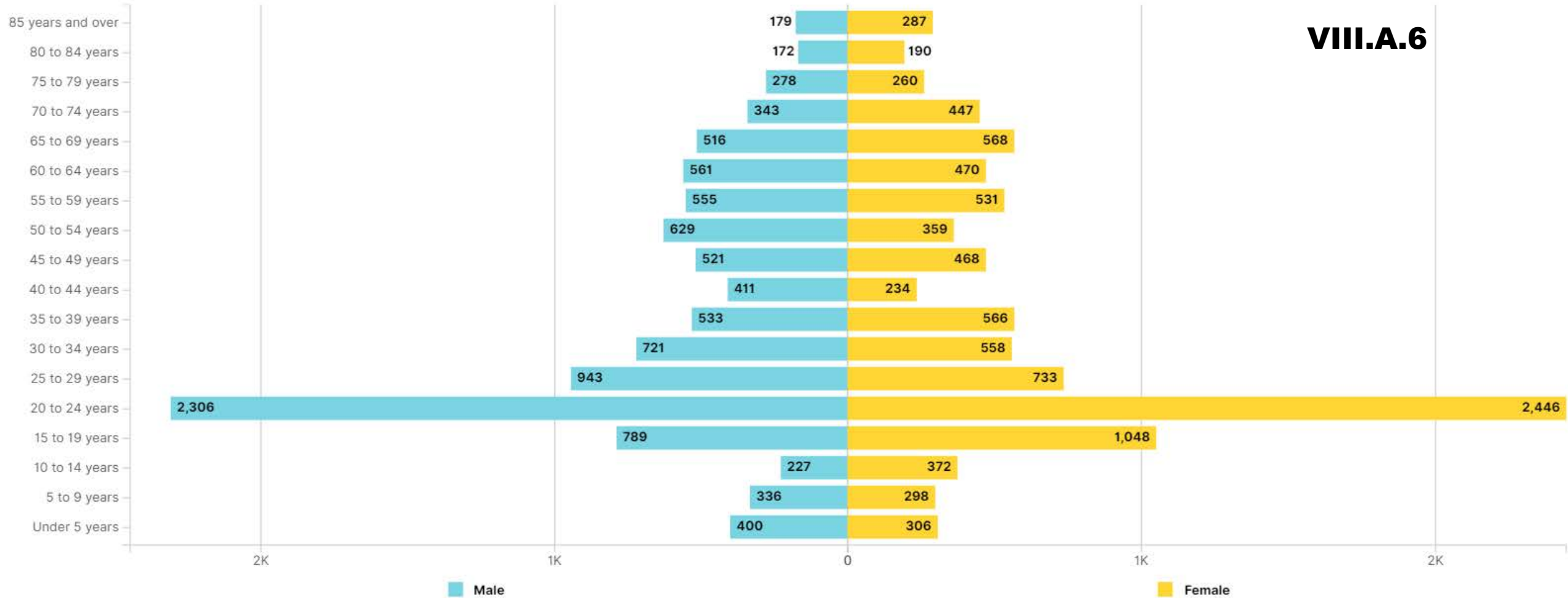
VIII.A.5



Population Pyramid: Population by Age and Sex in Marquette city, Michigan

Marquette city, Michigan

VIII.A.6



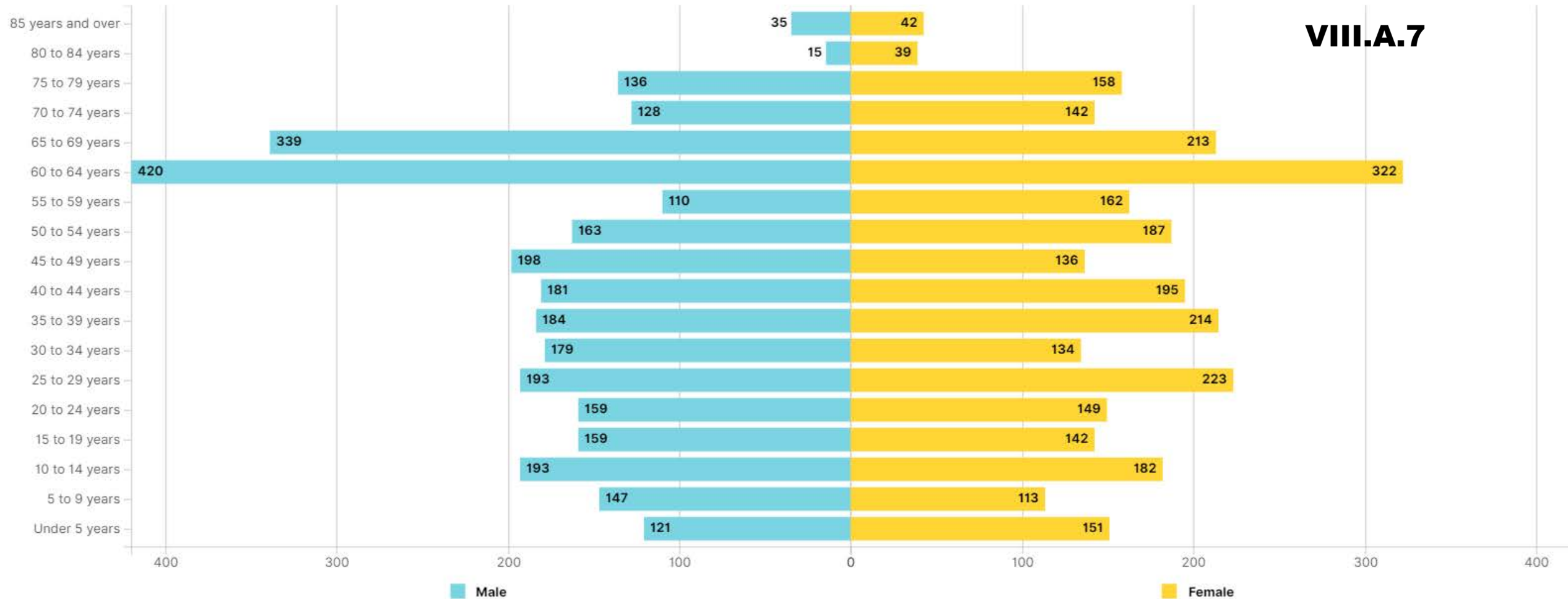
Male

Female

Population Pyramid: Population by Age and Sex in Chocolay charter township, Marquette County, Michigan

Chocolay charter township, Marquette County, Michigan

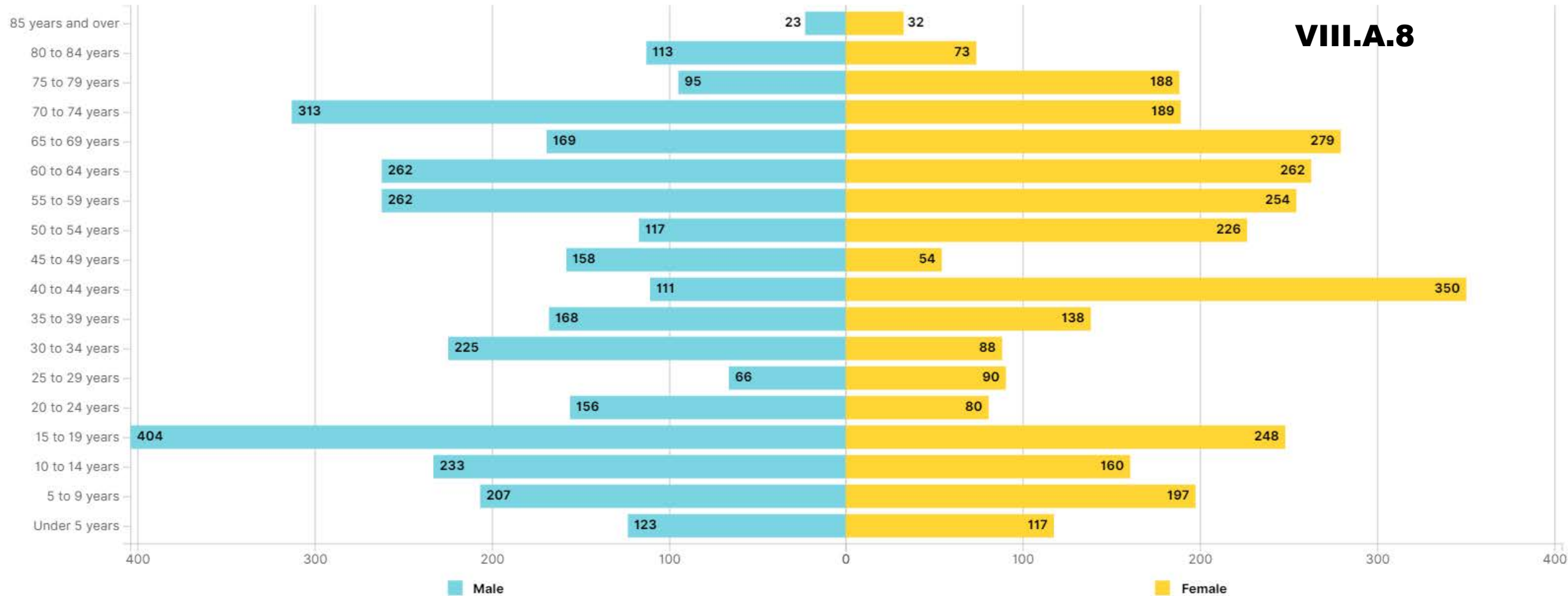
VIII.A.7



Population Pyramid: Population by Age and Sex in Forsyth township, Marquette County, Michigan

Forsyth township, Marquette County, Michigan

VIII.A.8



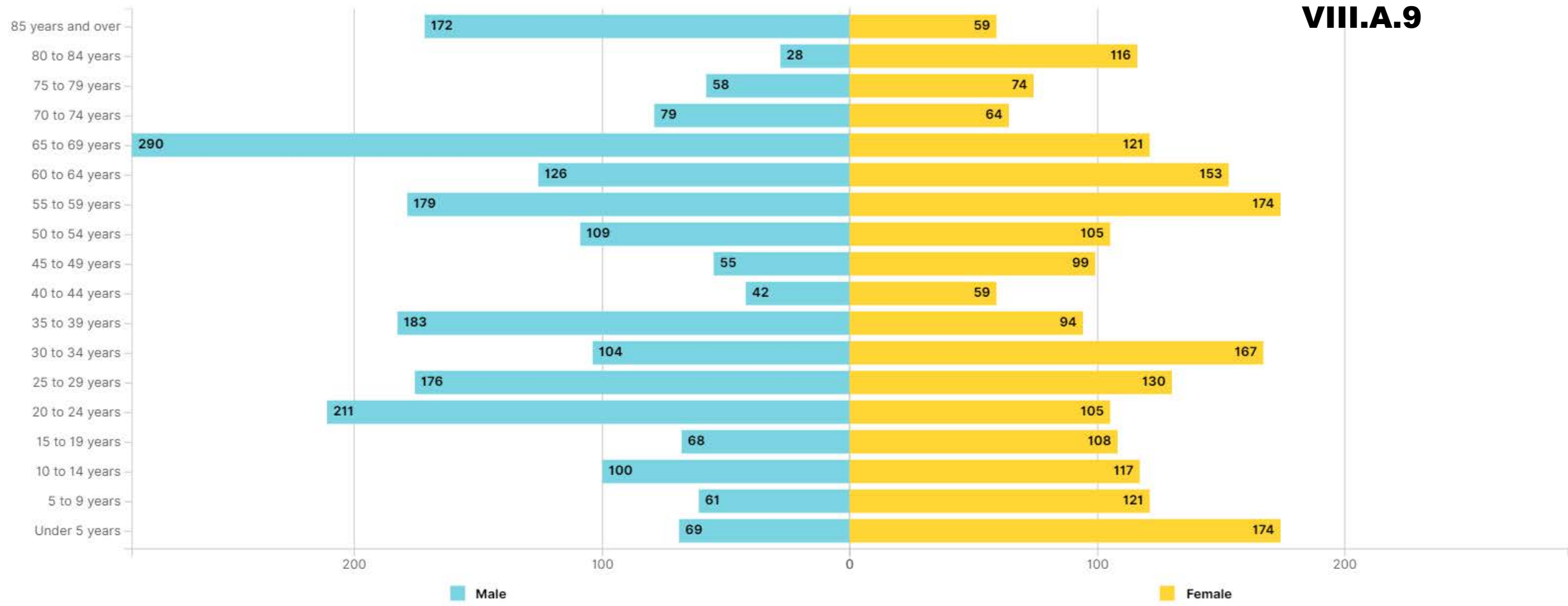
Margin of Error

S0101 | 2021 ACS 5-Year Estimates Subject Tables

Population Pyramid: Population by Age and Sex in Marquette charter township, Marquette County, Michigan

Marquette charter township, Marquette County, Michigan

VIII.A.9



The ABCs of ADUs

A guide to
Accessory Dwelling Units
and how they expand housing options
for people of all ages



DETACHED ADU



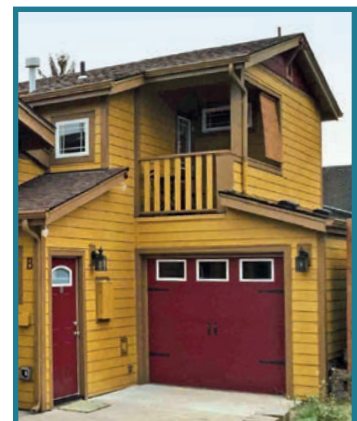
BASEMENT ADU



GARAGE-CONVERSION ADU



ATTACHED ADU



SECOND-STORY ADU



Websites: AARP.org and AARP.org/Livable
Email: Livable@AARP.org
Facebook: /AARPLivableCommunities
Twitter: @AARPLivable
Free Newsletter: AARP.org/LivableSubscribe

AARP is the nation’s largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families: health security, financial stability and personal fulfillment. The AARP Livable Communities initiative works nationwide to support the efforts by neighborhoods, towns, cities, counties, rural areas and entire states to be livable for people of all ages.



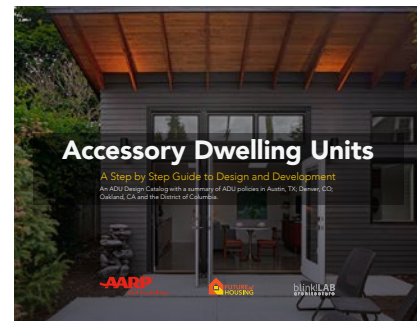
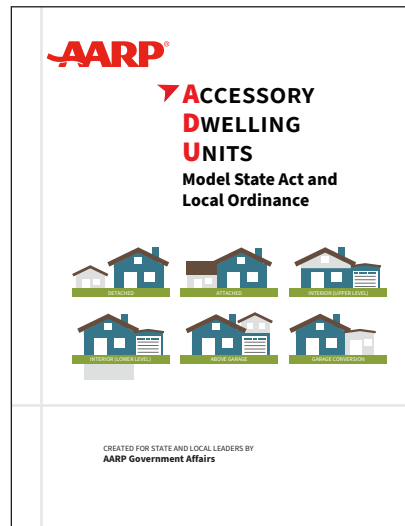
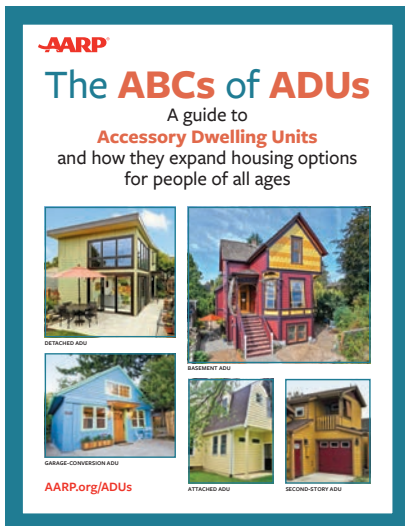
Orange Splot LLC

Website: OrangeSplot.net
Email: eli@OrangeSplot.net

Orange Splot LLC is a development, general contracting and consulting company with a mission to pioneer new models of community-oriented, affordable green housing developments. Orange Splot projects have been featured in the *New York Times*, *Sunset magazine* and on NBC’s *Today* show. (The detached ADUs on page 3 and the back cover are by Orange Splot.) Company founder Eli Spevak has managed the financing and construction of more than 300 units of affordable housing, was awarded a Loeb Fellowship by the Harvard University Graduate School of Design, cofounded the website AccessoryDwellings.org and serves as chair of Portland, Oregon’s Planning and Sustainability Commission.

AARP and Accessory Dwelling Units

Visit AARP.org/ADU to order or download our free publications and find more resources about ADUs.



AARP’s ADU Publications
 (from left): This introductory guide; guidance about creating an ADU model state act or local ordinance; a detailed guide to design and development.

Welcome! Come On In

Accessory dwelling units are a needed housing option for people of all ages

We know from surveys by AARP and others that a majority of Americans prefer to live in walkable neighborhoods that offer a mix of housing and transportation options and are close to jobs, schools, shopping, entertainment and parks.

These preferences — coupled with the rapid aging of the United States' population overall, the decrease in households with children and the national housing shortage — will continue to boost the demand for smaller homes and affordable, quality rental housing.

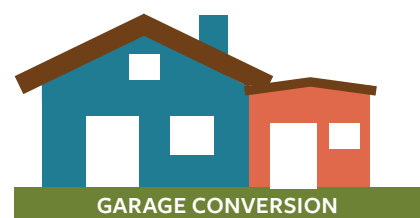
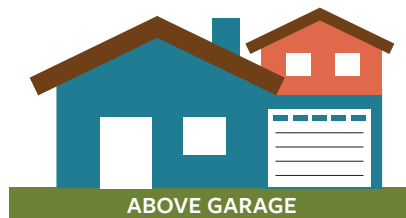
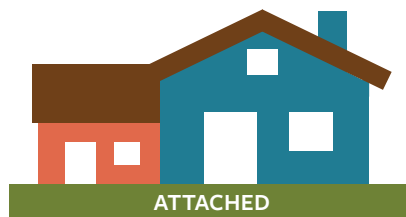
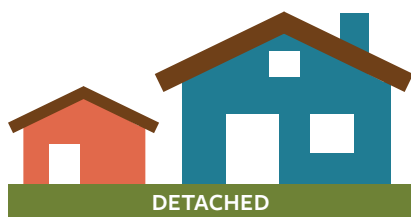
As small houses or apartments that exist on the same property lot as a single-family residence, accessory dwelling units — or ADUs — play a major role in serving a national housing need.

This traditional home type is reemerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.

In fact, in the 2021 AARP Home and Community Preferences Survey, adults age 18 or older who would consider creating an ADU said they'd do so in order to:

- provide a home for a loved one in need of care (86%)
- provide housing for relatives or friends (86%)
- have a space for guests (82%)
- create a place for a caregiver to stay (74%)
- increase the value of their home (69%)
- feel safer by having someone living nearby (67%)
- earn extra income from renting to a tenant (63%)

Since ADUs make use of the existing infrastructure and housing stock, they're also environmentally friendly and respectful of a neighborhood's pace and style. An increasing number of towns, cities, counties and entire states have been adapting their zoning or housing laws to make it easier for homeowners to create ADUs. ■



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

The ABCs of ADUs is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others to learn what accessory dwelling units are and how and why they are built. The guide also suggests best practices for how towns, cities, counties and states can support the creation of ADUs as a way to expand and diversify housing options.

What ADUs Are — And What They Can Do

ADUs are a family-friendly, community-creating type of housing the nation needs more of

Although many people have never heard the term, accessory dwelling units have been around for centuries (see page 6) and are identified by many different names. To be clear about what’s being discussed:

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure (such as a garage) or built anew
- ADUs are found in cities, in suburbs and in rural areas, yet are often invisible from view because they’re positioned behind or are tucked within a larger home
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately
- An ADU can enable family members (including family caregivers) to reside on the same property while having their own living spaces
- An ADU can provide housing for a hired caregiver
- An ADU can provide rental income to homeowners
- ADUs are a practical option for tenants seeking small, affordably priced rental housing
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if they’re older, an age-restricted community
- ADUs can help older residents remain independent and “age in place”
- As an adaptable form of housing, ADUs provide flexible solutions for changing needs. ■



CREATIVE COMMONS

▲ Accessory dwelling units show up in neighborhoods throughout the country — and even in pop culture. One example: In the sitcom *Happy Days*, Fonzie (right) rents an above-garage ADU from the Cunningham family in 1950s-era Milwaukee, Wisconsin.

ADUs Are Also Known As ...

Although most local governments, zoning codes and planners in the United States use the term *accessory dwelling unit* or *ADU*, these small homes and apartments are known by dozens of other names. The different terms conjure



▲ Renting out this 350-square-foot garage-conversion ADU in Portland, Oregon, helps the property owner, who lives in the lot’s primary residence, pay her home mortgage.

up different images. (Who wouldn’t rather live in a “carriage house” than in an accessory or “ancillary” unit?) Even if you’ve never heard of accessory dwelling units or ADUs, you have likely heard of — and perhaps know the locations of — some of the home types noted in the list at right. ■

- accessory apartment
- backyard bungalow
- basement apartment
- casita
- carriage house
- coach house
- English basement
- garage apartment
- granny flat
- guest cottage
- guest house
- in-law suite
- laneway house
- multi-generational house
- ohana unit
- secondary dwelling unit

PHOTO AND LIST FROM ACCESSORYDWELLINGS.ORG

ADUs Come in Many Shapes and Styles

Since ADUs are custom designed and created, they're able to fit discreetly into all sorts of locations, including suburban subdivisions, walkable towns, urban neighborhoods — and, of course, large lots and rural regions.



◀ A **DETACHED ADU** (aka DADU) is a stand-alone home on the same lot as a larger, primary dwelling. Examples include backyard bungalows and converted outbuildings.

Location: Portland, Oregon
Photo by David Todd



▲ An **ATTACHED ADU** connects to an existing house, typically through the construction of an addition along the home's side or rear. Such units can have a separate or shared entrance. In this example, the owners built a connection between the house and what was a detached garage. The addition and the space above the garage contain the ADU, which has its own entrance (pictured at right).



Location: Anne Arundel County, Maryland
Photo by Melissa Stanton, AARP



▲ A **GARAGE ADU** converts all or part of an attached or detached garage into a residence. Other options: adding an ADU above a garage or building a new unit for both people and cars.

Location: Cape May, New Jersey
Photo by Melissa Stanton, AARP

▶ Access to an **UPPER-LEVEL ADU** can be provided through a stairway inside the main home or directly from an exterior staircase. This 500-square-foot ADU is part of a 1,900-square-foot primary dwelling.



Location: Portland, Oregon
Photo by Eli Spevak,
Orange Splot LLC



▲ A **LOWER-LEVEL ADU** is typically created through the conversion of a home's existing basement (provided that height and safety conditions can be met) during construction of the house or (above and on page 7) as part of a foundation replacement and house lift.

Location: Portland, Oregon | Photo by Chris Nascimento

ADUs Are Good for People and Places

Communities that understand the benefits of ADUs allow homeowners to create them

ADUs are an economical housing option

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only.
- Many ADUs are created for family members or friends to reside in for free or at a discounted rate. In fact, when a loved one is in need of care or can't live alone, an ADU can be a viable alternative to a costly assisted-living facility.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the *only* affordable rental choices in single-family neighborhoods, which typically contain few or no small or rental housing options at all.
- The state of California and some municipalities are boosting ADUs by providing grants and other incentives as part of affordable housing and anti-displacement strategies to help lower-income households build ADUs or reside in them at reliable rents.

ADUs are community-compatible

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a community than other options, such as multistory apartment buildings.
- ADUs are typically managed by homeowners who live on the premises. Such landlords are less likely to tolerate a destructive tenant.

ADUs are good for the environment

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two-thirds of all households in the United States.

ADUs are able to house people of all ages

- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.
- An ADU's use can be adapted for different household types, income levels, employment situations and stages of life. ■

Big houses are being built, small houses are needed

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

YEAR	1950	2020
Median square footage of new single-family homes	983	2,261
Number of people per household	3.8	2.5
Square feet of living space per person	292	904

FACT: ADUs house more people per square foot of living area than single-family homes do.

HOME VISIT #1

Attached ADU Addition

Santa Cruz, California

Size: 500 square feet



AARP



▲ The area with the darker roof shingles is the ADU that was added onto the home of Carrie and Sterling Whitley.

◀ ▼ The Whitleys' ADU (that's Carrie showing off the front yard's new paths and plantings) has its own entrance on the side of the home and is being rented to the couple's daughter so she can help her elderly parents when needed.

When Carrie and Sterling Whitley bought their house in 1971, they paid less than \$15,000. Nearly 50 years later, similar homes on their street have sold for more than \$1 million.

THE PROBLEM: The Whitleys, who are in their 80s, own the house outright and don't want to move. But the financial and physical demands involved in maintaining the house are a challenge.

A SOLUTION: To help low-income homeowners age 62 or older live independently and keep their homes, the Monterey Bay affiliate of Habitat for Humanity and the City of Santa Cruz launched My House My Home: A Partnership for Aging-in-Place. The pilot program builds accessory dwelling units so older homeowners can downsize into a new, aging-friendlier home and earn rental income from their original house. Or such homeowners can remain in their house and rent out the new, smaller residence. Participating homeowners are required to charge an affordable rental rate.

REALITY CHECK: When the Whitleys' project broke ground in April 2017, they were the first homeowners to receive an ADU through the program, which worked with them to design the ADU as an addition to their existing home. Since the dwelling was built with accessibility features, Carrie and Sterling know they can downsize into it if they ever need to. Until then, their daughter, Brenda, resides in the addition.

REAL LIFE: "I'm right next door to my parents in case they need me or need any help," Brenda says.

Design: Historic Sheds | Builder: Historic Sheds | Cost to build: \$158,000 in 2017 (not including volunteer labor) | Photos by Michael Daniel | Article adapted from Where We Live: Communities for All Ages (AARP 2018)



ADU ADVICE: With an attached ADU, privacy between the two residences can be achieved by locating the ADU bedroom(s) and bathroom(s) as far as possible from the main house. Providing the ADU with its own yard or outdoor space is helpful too.

ADUs Are an American Tradition

While today's interest in ADUs may be new, the housing type is centuries old

Early settlers often built a small home to live in while constructing their larger, primary house nearby.

When farming was a source of survival for most of the nation's households, families routinely constructed additional homes on their land when needed.

People with wealth and acreage regularly populated their lands with secondary mansions and ancillary buildings independent of the main estate house.

In fact, until the 20th century, people who owned land built as many homes as they wished, often for extended family or workers. There were few or no zoning rules, municipal services or infrastructure needs (utilities, roads, schools, trash collection, first-responders) to consider.

A historic precedent for the modern day accessory dwelling unit is the "carriage house," or "coach house." Originally built for horse-drawn carriages, the structures associated with grander homes were frequently large enough to double as living quarters for workers such as stable hands.

Decades later, in response to housing shortages and economic needs, many surviving carriage houses were

▼ **This carriage house containing a one-bedroom, one-bath ADU above a two-car garage sits behind a six-level, Gilded Age, Hoboken, New Jersey, townhome that was built in 1883. The dual residence property was on the market in 2018 for \$5 million.**



converted into rental homes. By becoming landlords, the owners gained income from their often unused outbuildings.

Automobile garages have a similar history. Some were originally built with a housing unit upstairs. Over time, many garages were converted (often illegally or under zoning codes no longer applicable today) into small homes when the spaces became more valuable for housing people than vehicles.

With the rise of suburban single-family home developments following World War II, ADUs practically ceased to be built legally in the United States. Then as now, residential zoning codes typically allowed only one home per lot, regardless of the acreage and with no exceptions. Attached and detached garages occupied yard space that might otherwise have been available for ADUs.

Some cities, including Chicago, grandfathered in pre-existing "coach house" ADUs — but only if they remained consistently occupied. In Houston's historic and trendy Heights neighborhood, old and new garage apartments are common and desired.

Many communities don't allow new ADUs, even if they did in the past. Even in rural areas with ample land, property owners are often prohibited from creating secondary dwellings or continuing to live in preexisting ones. Countless units in single-family homes or yards are technically illegal simply because they date from when such units were not allowed.

ADUs began making a comeback in the 1980s as cities explored ways to support smaller and more affordable housing options within single-dwelling neighborhoods. In 2000, in response to a growing demand for ADU-supportive guidelines, AARP and the American Planning Association partnered to release a model state act and local code for ADUs. An updated resource was published by AARP in 2021. (See an image of it on the inside front cover of this guide.)

Many state and local governments are legalizing and encouraging the creation of ADUs (see page 8), driven by high housing costs and, in some cases, the belief that homeowners with suitable space shouldn't be so restricted in the use of their property. ■

HOME VISIT #2

Garage Apartment ADU

Denver, Colorado

Size: 360 square feet



▲ The apartment above the garage can be reached from inside the garage or from an exterior side entrance accessed from the yard it shares with the primary residence.

“I see our ADU as something very similar to a student loan,” says Mara Owen. “It’s something you invest in the future with. It was cheaper than buying a house for Mom, and it lets her have independence. It’s great knowing we can check in on her whenever.”

AH-HA MOMENT: Owen, her partner, Andrew, and their three dogs were sharing a one-bedroom, one-bath house with her mother, Diane. When Owen learned that ADUs were allowed in the city, she decided the best way to get more space for her small home’s many residents would be to remove their “leaky and defunct” garage and build a new two-car garage with an apartment above it.

WISE ADVICE: “Get a really great builder and architect,” says Owen. “Interviewing architects was similar to a first date. It’s not just who you feel connected with. That’s important, but get to the values. It’s a niche market, so see if you can find someone who has built ADUs before, because ADUs are a little different.”

FUTURE PLANS: The stairs to Diane’s apartment are wide enough for a stair lift, if it’s ever needed. The roof was built at the correct slope for the eventual installation of solar panels.

Design: Hive Architecture | Builder: Hive Architecture | Cost to build: \$167,000 in 2016 | Photo by Mara Owen | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org. Visit the website to read about and see photographs of more ADU projects.

HOME VISIT #3

Basement ADU

Portland, Oregon

Size: 796 square feet

The transformation of this colorful Victorian was both a preservation and expansion project.

TEACHING MOMENT: “Here’s a very welcome breath of fresh air, especially in the face of so much gentrification that is going on in Portland!” declared Mark Lakeman, principal of Communitecture, an architectural, planning and design firm, about the pictured remodel. Writing on his company’s website, he says the project provides a lesson in how to “adapt and reuse our precious historic houses so they can accommodate more people while also providing more income to support the existing home.”

HOW’D THEY DO IT? To add a basement rental unit, engineers lifted the house. The resulting ADU is roughly four feet underground and four feet above.



▲ By lifting the house and digging beneath it, designers, engineers and builders turned a two-story, single-family home into a three-story, multifamily residence. (The ADU’s entrance is pictured on page 3.)

THE ACHIEVEMENT: Adds Lakeman: “Unlike the seemingly pervasive method of simply tearing down existing buildings so that new, giant ones can be built, this approach achieves upgrades in energy efficient living places and adds density while retaining the continuity of our beloved historical urban environment.”

*Design: Communitecture | Home Lift: Emmert International
Builder: Tom Champion | Cost to build: \$125,000 in 2015 | Photos by Communitecture (before) and Chris Nascimento (after)*

The Time Is Now

Rules for ADUs continue to evolve and frequently differ from one town to the next

Some communities allow almost any home to be set up with an ADU — so long as size limits, property line setbacks and placement caveats in relation to the primary dwelling are met. Others start with those basic standards and then layer on extra requirements that can make it challenging to create an ADU. (Learn more on pages 14 and 15.)

Municipalities nationwide have been relaxing their restrictions against ADUs, and several states now require communities to allow them. Some examples:

- New Hampshire and Vermont allow ADUs nearly everywhere single-family housing is permitted. New Hampshire’s 2017 legislation stemmed in large part from the frustration of builders who couldn’t construct the backyard cottages and garage apartments their clients desired.
- In 2020, the California legislature declared that “allowing accessory dwelling units in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California’s housing needs.” The state allows up to one ADU *and* one JADU per lot. (What’s a JADU? See page 14.)
- Oregon requires cities and counties of certain sizes to allow ADUs in all single-family areas within urban growth boundaries. In 2021, the state extended ADU rights to rural residential areas.
- Other states allowing ADUs include Connecticut, Rhode Island and Utah. Many cities now allow ADUs, including Anchorage, Alaska; Atlanta, Georgia; Annapolis, Maryland; Asheville, North Carolina; Austin, Texas; Denver, Colorado; Honolulu, Hawaii; Houston, Texas; Louisville, Kentucky; Philadelphia, Pennsylvania; Phoenix and Tucson, Arizona; Seattle, Washington; and Washington, D.C. ■

▶ Located on the lowest floor of a town house, an English basement is a partially belowground apartment that has its own exterior entrance. They are typically found in older cities such as New York or (pictured) Washington, D.C. In the past, property owners used the space as servant quarters. Today, these essentially built-in ADUs are often used as rental apartments.

To Encourage ADUs

LOCAL OFFICIALS can ...

- allow all ADU types (detached, attached, interior)
- simplify the building permit process for ADUs
- waive or reduce permit and impact fees
- establish funding programs to help homeowners create ADUs
- let garages be converted into ADUs without requiring replacement off-street parking
- allow for the creation of a second ADU, subject to a combined size cap

COMMUNITY PLANNERS can ...

- adopt simple, flexible but nondiscretionary ADU rules about setbacks, square footage and design compatibility with the primary dwelling

LENDERS can ...

- work with homeowners to finance the construction of ADUs by using renovation loans

ADVOCATES can ...

- organize tours of completed ADUs in order to inform and inspire the community
- educate homeowners, real estate agents, architects and builders about local zoning regulations and the permit process

REAL ESTATE AGENTS can ...

- educate themselves and their clients about rules for the construction of ADUs

LOCAL MEDIA can ...

- report on how and why homeowners build ADUs



PHOTO: SARAH DALE FOR AARP

HOME VISIT #4

Internal ADU (Main Level)

Portland, Oregon

Size: 220 square feet

Even small homes can have enough space for an ADU. An underused main floor bedroom in this 1.5-story, 1,500-square-foot bungalow was transformed into a studio apartment.

AH-HA MOMENT: According to Joan Grimm, who owns the home with Rita Haberman: “What we were looking for in terms of a community and aging in place was right under our noses. Remove a fence and create a shared open space. Build a wall and create a second dwelling unit. It doesn’t have to be complicated.”

REAL LIFE: “Creatively carving out an ADU from the main floor of our house saved on design and construction costs,” Grimm adds. “It provides an opportunity for rental income, with no significant compromise to the livability of our home.”



▲ The steps and side entrance lead to the studio apartment ADU, which was crafted out of an existing space. The covered porch to the right leads to the primary residence. The ADU contains a kitchen, small dining and living area, sleeping area, bathroom and laundry area. (See two interior photos on pages 19 and 20.)

*Design: Rita Haberman | Builder: RS Wallace Construction
Cost to build: \$55,000 in 2015 (with some work done by the homeowners)
Photos courtesy Billy Ulmer | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*

HOME VISIT #5

Internal ADU (Lower Level)

Portland, Oregon

Size: 795 square feet

“We were looking for a way to live in our house for the rest of our lives and to generate at least some income in the process,” Robert Mercer and Jim Heuer wrote for the program guide of the annual Portland ADU Tour when their home was part of the lineup. “An ADU offers the possibility of caregiver lodging in the future or even a place for us to live while we rent out the main house if we get to the point where we can’t handle the stairs any longer.”

THE SOUND OF SILENCE: Internal ADUs often require that soundproofing insulation be installed between the primary dwelling and the accessory unit that’s below, above or beside it. In Portland, the building code for duplex residences requires a sound insulation rating of at least STCC45. To property owners thinking about a similar ADU setup, the duo advise: “Think about how you live in your home and how having downstairs neighbors will change what

▼ The door to the right of the garage leads to a ground-floor ADU with windows along the back and side walls. The upper-level windows are part of the main residence.



you can and can’t do with your space and what investment you are prepared to make in sound insulation.”

AN ADDED BONUS: “We are pleased that we have been able to provide more housing density on our property and still be in keeping with the historic character of our home.”

*Design: DMS Architects | Builder: Weitzer Company | Cost to build: \$261,000 in 2016 | Photo by Melissa Stanton, AARP
Article adapted from the 2017 ADU Tour project profiles on AccessoryDwellings.org*

Bringing Back ADUs

The reasons for creating or living in an ADU are as varied as the potential uses

ADUs are flexible. Over time, a single ADU might be used in many ways as an owner's needs and life circumstances change. Following are just a few reasons why ADUs are created and by whom:

EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.

FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.

INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)

HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

HOME-BASED WORKERS can use an ADU as their office or workshop.

HOMEOWNERS can use an ADU for guests or as housing for friends or loved ones who:

- aren't yet financially independent, such as new high school or college graduates
- need temporary housing due to an emergency or while renovating their own home
- have disabilities but can live independently if family reside nearby ■



▲ The zoning code in Evanston, Illinois, permits accessory dwelling units, creating an opportunity for the owners of this 1911 home with an outbuilding in the backyard.

Planning and Paying for ADUs

Most new homes are built by developers, entire subdivisions at a time. Apartments are also built by pros.

But ADUs are different.

Although ADUs are occasionally designed into new residential developments, the vast majority are created by individual homeowners after they move in. In other words, ADUs are usually created by enthusiastic and motivated *amateurs*.

An ADU may present the ultimate chance for a do-it-yourselfer to build his or her small dream home. More often, homeowners bring in a combination of architects, designers and construction contractors to do the work, much as they would for a home addition or major kitchen remodeling. The local municipality's planning department can provide guidance on the rules for ADUs and information about what permits, utility connections and fees are involved.

ADUs aren't cheap, and they are often the most significant home improvement project a homeowner will undertake.

Although internal ADUs can sometimes be built for about \$50,000, new detached ADUs often exceed \$150,000. Most ADUs are financed through some combination of savings, second mortgages, home equity lines of credit and/or funds from family members (sometimes a relative who ends up living in it).

In some areas, the cost of building an ADU can be recouped after a few years of renting it. If that's the plan, it's worth estimating the expenses versus the potential income before undertaking an ADU project.

A few cities, nonprofits and start-ups are experimenting with creative financing options that could put ADUs within reach for more homeowners and their families, as well as prospective renters.



▲ Walt Drake’s southern-style, one-bedroom ADU has an outdoor, wraparound porch that can be accessed without using steps. The design is in keeping with other buildings in the neighborhood.

HOME VISIT #6 Detached ADU (One-Story)

Decatur, Georgia
Size: 800 square feet

When Walt Drake decided to downsize, his son Scott purchased his dad’s house for himself and his family and built a detached ADU (or DADU) for Walt.

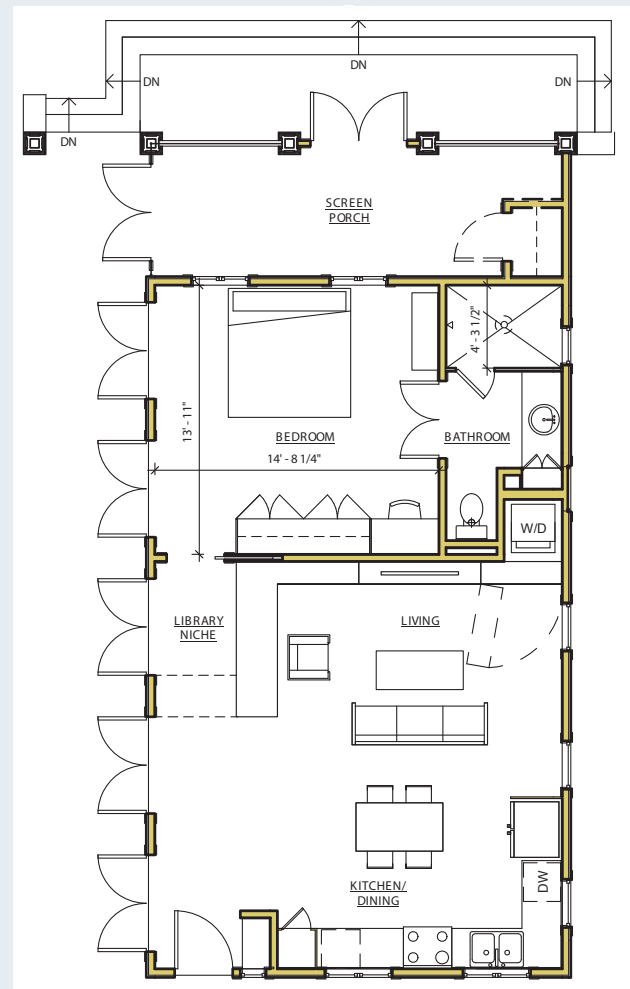
“From not finding what we wanted for Dad, we decided to create it,” says Scott. “Neighborhoods built in the 1920s have carriage houses. Building an ADU was a modern day version of something people have been doing on their property in this area for a hundred years.”

NEAR AND FAR: “We wanted the houses to be separate and to feel like we’re each on our own property, but we’re there for each other,” says Scott.

AGING-FRIENDLY: Building the ADU meant Walt didn’t have to leave his home and neighborhood. “He was able to keep his own stuff and turn over what he didn’t need to us,” says Scott. “It kept my dad in place, which I think was important.”

FUTURE PLANS: Scott says the ADU is “serving its intended purpose” but that someday down the road it could be used as a long- or short-term rental. “The ADU could turn into lots of different things over the course of its lifetime.”

Design: Adam Wall, Kronberg Wall | Builder: Rob Morrell | Cost to build: \$350,000 in 2014 | Photo by Fredrik Brauer | Floor plan by Kronberg Wall Architects | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org



ADUs Are Age-Friendly Housing

New-construction ADUs can be created with “universal design” features

An “age-friendly” home has a zero-step entrance and includes doorways, hallways and bathrooms that are accessible for people with mobility differences. Converted garages (such as the one pictured on page 2) are among the easiest and least expensive ADU solutions for aging in place since they’re preexisting structures and generally have no-step entries. To learn more about making a home aging-friendly, download or order the *AARP HomeFit Guide* at AARP.org/HomeFit.

HOME VISIT #7

Detached ADU (Two-Story)

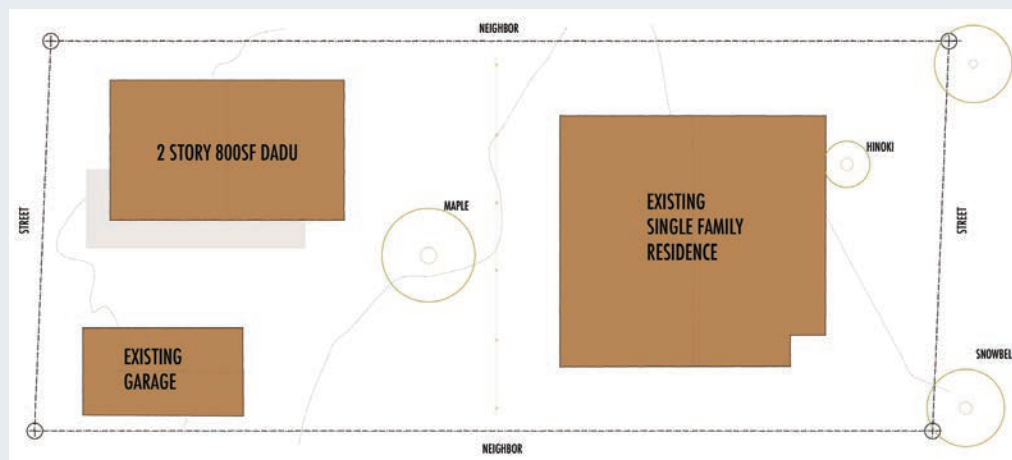
Seattle, Washington

Size: 800 square feet

Evelyn Brom’s plan was to build a backyard cottage and rent it out. She would keep living in her two-bedroom home.

AH-HA MOMENT: As the design developed, Brom realized that *she* wanted to live in the stunning wood-and-glass ADU. It was a good decision. A week before moving in, Brom was laid off from her job.

REAL LIFE: The \$3,000 a month Brom receives in rent for the main house (which is occupied by a three-generation family) provides a needed income. “Being laid off has made this arrangement a lifesaver,” Brom says. If the stairs in the cottage ever become too hard to navigate, she can move back into her original one-story house and rent out the cottage instead. “Now I have options,” she says.



▲ There’s a powder room, open kitchen and living room on the first floor, with a bedroom and bathroom upstairs.

◀ Although Brom’s property is only 0.13 acres, it’s large enough to accommodate two homes, a patio, a lawn and a garage. A slatted wood fence with a gate divides the space between the two houses and provides privacy.

Design: *Christine Kim, NEST Architecture & Design* | Builder: *Ian Jones, Treebird Construction* | Photo by *Alex Hayden*
Cost to build: \$250,000 in 2014 | Article adapted from *Where We Live: Communities for All Ages* (AARP 2018)

HOME VISIT #8

Detached Bedroom

St. Petersburg, Florida

Size: 240 square feet

Bertha and her son John talked about someday buying a house with a mother-in-law suite. “Then one day someone came along and wanted my house, so I up and sold it,” she explains. “But that left me homeless. I asked John if I could build a small house in his backyard and he agreed.”

CREATIVE THINKING: A detached bedroom is a permanent, accessory structure that, unlike ADUs, lacks a kitchen. But that’s what makes these cabin-like homes more affordable to build than many ADUs and even tiny houses.

WHAT’S INSIDE: Bertha’s home contains a sleeping and living area and a full bathroom. “I paid for the little house and it’s on my son’s property. So I figured, if I’m cooking I can do it at my son’s house,” she says. (Her laundry is also done at his house.)



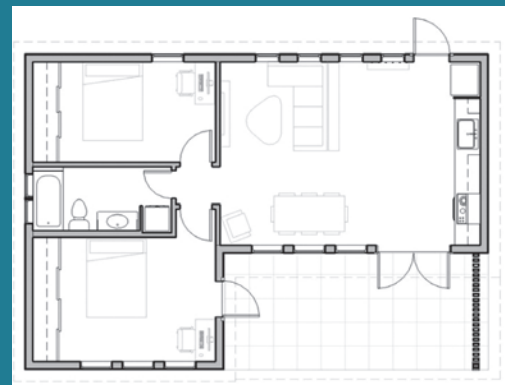
▲ A detached bedroom, which contains a bathroom but no kitchen, can provide housing for a loved one or serve as a home office or guest cottage.

REAL LIFE: “Having access to my son’s house makes it livable. Otherwise, I personally would not be happy. It’s very comforting to know that John is close by. Hopefully this will be my home forever.”

Design: Historic Sheds | Builder: Historic Sheds | Cost to Build: \$50,000 in 2017 | Photo by Historic Sheds | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

Trading Spaces

An ADU is always the smaller of two dwellings on a property, but it’s possible for an existing home to become the ADU when a larger house is built and becomes the primary dwelling. Or the opposite can happen! Tired of living in an older house that didn’t get a lot of natural light, the home’s owners built and moved into the bright, airy, modern and very accessible ADU they created in their yard. The original, larger home has become a rental.



▲ Although this ADU has only 721 square feet of living space, there is room enough for two bedrooms.

*Design: Propel Studio | Builder: JLTB Construction | Photo by Josh Partee | Cost to build: \$185,000 in 2017
Adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*

Practical Solutions for ADUs

Local laws can both allow and appropriately control the creation of accessory dwellings

There are more than 19,000 cities, 16,000 towns and 3,000 counties in the United States. ADU regulations are typically adopted at the local level, although several state legislatures have required cities to allow them.

Where it's legal to build ADUs, homeowners still need to follow rules about where it can be done, how many square feet they can contain, how they can be used. These rules can be found in the local zoning code.

There is a balance to strike between prudent ADU laws and encouraging their construction. For instance, after Portland, Oregon, relaxed its ADU rules in 2010 and waived impact fees (a savings of up to \$12,000), the number of ADUs built rose from about 30 per year between 2000 and 2009 to nearly one a day in 2015.

Changes in California's ADU rules saw Los Angeles go from 80 applications in 2016 to nearly 2,000 in 2017. Allowing Sonoma County homeowners to add both an ADU and a JADU (see the green box below) were among the policies adopted in the wake of the area's many devastating fires.

Well-intentioned but burdensome rules can stymie the creation of ADUs. ADU-related zoning codes should be restrictive enough to prevent undesirable development but flexible enough that ADUs get built.

When a community is worried about a potentially undesirable outcome, it can — and many do — craft regulations to prevent particular building types, locations or uses. A city concerned about the environmental impact of new structures might prohibit placing detached ADUs in precarious locations, such as on steeply sloping lots. Communities wary of ADUs becoming, for instance, off-campus student housing can establish occupancy rules.

Every community has its own priorities and concerns, and there's a wide enough range of regulatory controls that communities can write appropriate ADU rules.

This inherent flexibility in the form and function of ADUs allows them to pass political muster and get adopted in a wide range of places. (See page 16 for more about uses and rules.) ■

Rules that discourage ADUs

- ADU-specific regulations that don't also apply to primary dwellings (e.g., owner-occupancy requirements)
- complex design compatibility criteria and approval steps
- off-street parking requirements beyond those required for the primary dwelling
- restrictions that limit ADUs to certain areas, particular zoning categories or to large lots
- caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add one to a small home

Are ADUs allowed?

Find out by calling your town, city or county office in charge of land use and permits — or stop by in person. You can also search for and read the zoning code through the local government's website.

- If ADUs are allowed, ask what conditions, permit needs and impact fees apply.
- If ADUs are not allowed and you want them to be, ask an elected official or your community's department of zoning and planning how the codes can be updated.
- Then get organized and start advocating!

JUNIOR ACCESSORY DWELLING UNITS (or JADUs) are smaller than 500 square feet and have a separate entrance but are created within the existing dwelling. A JADU can share a bathroom with the main house and contain a basic kitchen equipped with small plug-in appliances.

Creating (or Understanding) an ADU Zoning Code

The ADU section of a community’s zoning code needn’t be overly complicated. It just needs to establish clear, objective and fair rules for the following:

1. A Definition: A good zoning code clearly defines its terminology. Here, for example, is a useful outline for what, in the real world, is a very fluid term: “An ADU is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation.”

2. The Purpose: This is where the code describes key reasons a community allows ADUs. They should:

- increase the number of housing units while respecting the style and scale of the residential neighborhood
- bolster the efficient use of existing housing stock and infrastructure
- provide housing that’s affordable and responds to the needs of smaller, changing households
- serve as accessible housing for older adults and people with disabilities

3. Eligibility: Who can build an ADU and on what type of lot? A statement in this part of the code clarifies that an ADU can be placed only on a “residentially zoned lot.” (Some communities provide lot size standards.)

4. Creation: The code sets out how an ADU can be built. For instance: “An ADU may be created through new construction, the conversion of an existing structure, as an addition to an existing structure or as a conversion of a qualifying existing house during the construction of a new primary dwelling on the site.”

5. Quantity: Most municipalities that permit ADUs allow one per lot. Those allowing two typically permit one internal and one external. Some allow duplexes or townhomes to have an ADU, either in the backyard or on the ground floor.

6. Occupancy and Use: A code should state that the use-and-safety standards for ADUs match those used for the main dwelling on the property. (See page 17 for more.)

Visit [AARP.org/ADU](https://www.aarp.org/ADU) to download **Accessory Dwelling Units: Model State Act and Local Ordinance**, a free publication that can be used by state and local officials to develop ADU policies.

7. Design Standards:

- **Size and height:** A zoning code might specify exactly how large and tall an ADU is allowed to be. For instance: “An ADU may not exceed 1,000 square feet or the size of the primary dwelling, whichever is smaller.” Codes often limit detached ADUs to 1.5 or 2 stories in height. An example of that language: “The maximum height allowed for a detached ADU is the lesser of 25 feet at the peak of the roof or the height of the primary dwelling.”
- **Parking:** Most zoning codes address the amount and placement of parking. Some don’t require additional parking for ADUs, some do, and others find a middle ground — e.g., allowing tandem parking in the driveway and/or on-street parking. (See page 16 for more about parking.)
- **Appearance:** Standards can specify how an ADU’s roof shape, siding type and other features need to match the primary dwelling or neighborhood norms. Some codes exempt one-story and internal ADUs from such requirements. (See page 16 for more.)

8. Additional Design Standards for Detached ADUs:

- **Building setbacks:** Many communities require detached ADUs to either be located behind the primary dwelling or far enough from the street to be discreet. (A code might exempt preexisting detached units that don’t meet that standard.) Although such a rule can work well for neighborhoods of large properties with large rear yards, communities with smaller lot sizes may need to employ a more flexible setback-and-placement standard.
- **Building coverage:** A code will likely cap the combined lot coverage of a detached ADU and the primary dwelling to a specific percentage.
- **Yard setbacks:** Most communities have rules about minimum distances to property lines and between buildings on the same lot. ADUs are typically required to follow the same rules. ■

ADU “Hot Topics”

As communities allow ADUs or update existing zoning codes and rules to be more ADU-friendly, they inevitably wrestle with some or all of the following issues:

Adding ADUs to neighborhoods

Recognizing that ADUs may represent a new housing type for existing neighborhoods, communities often write special rules to ensure they'll fit in well. These guidelines typically address visual compatibility with the primary dwelling, appearance from the street (if the ADU can be seen) and privacy for neighbors.

Rules that help achieve these goals include:

- height and size caps mandating that ADUs be shorter and smaller than the primary dwelling
- requirements that detached ADUs be behind the main house or a minimum distance from the street
- mandates that the design and location of detached ADUs be managed the same way as other detached structures (e.g., garages) on the lot
- design standards for larger or two-story ADUs so they architecturally match the primary dwelling or reflect and complement neighborhood aesthetics
- encouragement for the creation of internal ADUs, which are often unnoticeable from the street

Each community can strike its own unique balance between strict rules to ensure that ADUs have a minimal impact on neighborhoods and more flexible rules that make them easier to build.



▲ Providence, Rhode Island, has many homes that were built as or long-ago converted into multidwelling units. (Notice the two front doors.) A homeowner can live in one apartment while renting out the other.

Providing places to park

ADU regulations often include off-street-parking minimums on top of what's already required for the primary dwelling. Such rules can prevent homeowners from building ADUs if there's insufficient space for added parking. However, the extra parking often isn't needed.

Studies of Portland, Oregon, and the San Francisco Bay area found that ADU households own an average of 0.9 cars. That's half the national average of 1.8 cars per household. With just over 2 percent of Portland homes having an ADU (the highest percentage of any large city in the country), there's roughly one extra car parked on the street every six blocks. This suggests that, even in booming ADU cities, any impact on street parking from ADUs is likely to be very small and dispersed. More-realistic parking rules might:

- require the creation of new parking only if the ADU displaces the primary dwelling's existing parking
- waive off-street-parking requirements at locations within walking distance of transit
- allow parking requirements for the house and ADU to be met by using a combination of off-street parking, curb parking and tandem (one car in front of the other) parking in a driveway

Dealing with unpermitted ADUs

It's not uncommon for homeowners to convert a portion of their residence into an ADU in violation (knowingly or not) of zoning laws or without permits.

Such illegal ADUs are common in cities with tight housing markets and a history of ADU bans. One example is New York City, which gained 114,000 apartments between 1990 and 2000 that aren't reflected in certificates of occupancy or by safety inspections. Sadly, in 2021, several city residents living in unsafe basement apartments drowned in their homes due to flooding caused by Hurricane Ida.

Some cities have found that legalizing ADUs, simplifying ADU rules and/or waiving fees can be effective at getting the owners of illegal housing units to “go legit” — and address safety problems in the process. ■

Allowing and Restricting Uses

Communities get to decide whether to let ADUs be used just like any other housing type or to create special rules for them. Some municipalities prefer the simple approach: regulating ADUs like other homes. So if a home-based child-care service is allowed to operate in the primary dwelling, it is also allowed in an ADU. Conversely, communities sometimes adopt ADU-specific regulations in order to avoid undesirable impacts on neighbors. Examples of those regulations include:

Limiting short-term rentals

ADUs tend to work well as short-term rentals. They're small and the owner usually lives on-site, making it convenient to serve as host. However, if ADUs primarily serve as short-term rentals, such as for Airbnb and similar services, it undermines the objective of adding small homes to the local housing supply and creating housing that's affordable.

In popular markets, short-term rentals can be more profitable than long-term ones, allowing homeowners to recoup their ADU expenses more quickly. In addition, short-term rentals can provide owners with enough income that they can afford to occasionally use the ADU for friends and family.

A survey of ADU owners in three Pacific Northwest cities with mature ADU and short-term rental markets found that 60 percent of ADUs are used for long-term housing as compared with 12 percent for short-term rentals.

Respondents shared that they “greatly value the ability to use an

ADU flexibly.” For instance, an ADU can be rented nightly to tourists, then someday rented to a long-term tenant, then used to house an aging parent. ADUs intended primarily for visiting family are sometimes used as short-term rentals between visits.

Cities concerned about short-term rentals can regulate them across all housing types. Doing so might mean that special rules are not needed. An approach employed in Portland, Oregon, is to treat ADUs the same as other residences except that any financial incentives (such as fee waivers) to create them are available only if the property owner agrees not to use the ADU as a short-term rental for at least 10 years.

Requiring owner occupancy

Some jurisdictions require the property owner to live on-site, either in the primary house or its ADU. This is a common way of addressing concerns that absentee landlords and their tenants will allow homes and ADUs to fall into disrepair and negatively impact the neighborhood.

Owner-occupancy rules are usually implemented through a deed restriction and/or by requiring that an annual statement confirming residency be filed. Some cities go further, saying ADUs can be occupied only by family members, child- or adult-care providers, or other employees in service of the family.

Owner-occupancy requirements make the financing of ADUs more difficult, just as they would if applied to single-family homes. But as ADUs have become more common, owner-occupancy restrictions have become less so, which is good. Such requirements limit the appraised value of properties with ADUs and reduce options for lenders should they need to foreclose.

Enforcing owner-occupancy laws can be tricky, and the rules have been challenged in courts, sometimes successfully. However, according to a study by the Oregon Department of Environmental Quality, more than two-thirds of properties with ADUs are owner-occupied even without an owner-occupancy mandate. ■



◀ The zoning code of Brevard, North Carolina, a city of fewer than 10,000 residents, allows ADUs, which are referred to as “secondary dwelling units” and are allowed “within residentially-zoned, single-family and duplex lots.” The code states that such homes “shall be encouraged and designed to meet housing needs,” adding that “[s]econdary dwelling units shall be accessory and subordinate to the primary living quarters.” In the image at left, the one-story cottage is the primary dwelling. The apartment above the detached garage is the secondary dwelling.

Inside Spaces

ADUs vary from studio apartment-like spaces to multi-bedroom, multi-story structures. Regardless of size, the result is a needed residence



▲ A top floor ADU can be a suitable rental for a student or someone who travels a lot for work. ADU expert Kol Peterson grew up in a home with an attic ADU that was usually rented to law school students. “They had to walk up the primary house’s interior stairs in order to access the affordable attic unit,” he writes in *Backdoor Revolution: The Definitive Guide to ADU Development*. “Over the years that each of them lived there, the tenants became part of our family.”



▲ The alcoves in the ADU area above a garage provide a light-filled work space in one, and a reading nook in the other. (See the attached ADU’s exterior on page 3.)



▲ This studio apartment internal ADU uses a wardrobe cabinet to separate the bedroom from the living area and kitchen (seen on page 19).



▲ As an independent living space, an ADU has its own bathroom and kitchen. Depending on the available square footage — and sometimes on the local zoning code or the property’s plumbing and utility connections — an ADU might have a full kitchen with full-sized appliances and a dining area (top) or a smaller but functional kitchenette. This interior is from the detached ADU pictured below right and on the back cover. Fun fact: A coat closet and extra kitchen shelving are built into the base of the circular staircase. In a small home, every bit of space counts!



▲ The kitchen of this internal ADU (also seen at the top of page 9 and in the bedroom image at left) has a full-sized range but a mini-refrigerator. Some ADU owners install a one- or two-burner electric cooktop and a convection microwave in lieu of an oven.



▲ The second story of this detached ADU is accessed by the spiral staircase shown in the image at top. The space features a bedroom and a sitting area that could be used as a nursery, office or den. A full-sized, stacked washer-dryer is hidden behind a closet door.

Just One More

While not technically ADUs, tiny houses can serve a similar purpose

Because tiny houses are typically built on a trailer with wheels rather than a fixed foundation, they are usually treated by zoning as recreational vehicles (RVs) or manufactured (aka mobile) homes. In Portland, Oregon, and a growing number of smaller cities, tiny houses can be legally occupied on any residentially-zoned lot. Since they're small — typically under 400 square feet — tiny houses can fit in a space too small for an ADU. Many include a kitchen and bathroom. Some function more like a detached bedroom. A unique plus: Unlike ADUs, tiny houses can move to a new location as needed.



◀ ▲ “The Lucky Penny” tiny house measures 8 feet wide by 14 feet, 6 inches long and provides 100 square feet of living space. The home, which is located in the backyard of a single-family residence, features a pullout bed, a kitchenette, a shower, built-in storage, and three large windows plus a skylight to provide lots of nature light.



◀ ▼ ADUs are sometimes used as short-term rental units for travelers. The “Kangablue,” is one of several units at Caravan, the “world’s first tiny house hotel.” At 170 square feet, the home is the largest tiny house on the lot, located in the Cully neighborhood of Portland, Oregon. The tiny space includes a kitchen, living area, bathroom (with a shower and toilet) and a sleep loft.



Top: Design and Builder: Lina Menard, Niche Consulting | Photos by Guillaume Dutilh, PhotoXplorer
Bottom: Design and Builder: Benn Kovco | Photos by Jeff Freeman Photography

The ABCs of ADUs

A guide to Accessory Dwelling Units and how they expand housing options for people of all ages

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A NOTE TO READERS: Many of the photographs and project examples in this publication are from Portland, Oregon, which was one of the first municipalities in the nation to allow and encourage the creation of accessory dwelling units.

To learn more about ADUs — and to order or download this guide — visit [AARP.org/Livable](https://www.aarp.org/livable).

Other useful resources include:

- *AccessoryDwellings.org*
- *BuildingAnADU.com*
- *Planning.org* (the website of the American Planning Association)
- And the websites of the states, cities and towns mentioned in this guide as allowing and encouraging the creation of accessory dwelling units.



ABOVE-GARAGE ADU



DETACHED-BEDROOM ADU



DETACHED ADU

- An accessory dwelling unit is a small residence that shares a single-family lot with a larger primary dwelling.
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and living/sleeping area. (Garage apartments and backyard cottages are each a type of ADU.)
- ADUs can enable homeowners to provide needed housing for their parents, adult children, grandchildren or other loved ones.
- An ADU can provide older adults a way to downsize on their own property while a tenant or family member resides in the larger house.
- Since homeowners can legally rent out an ADU house or apartment, ADUs are an often-essential income source.
- ADUs help to improve housing affordability and diversify a community's housing stock without changing the physical character of a neighborhood.
- ADUs are a beneficial — and needed — housing option for people of all ages.

Learn more about ADUs and
order or download

The ABCs of ADUs

by visiting
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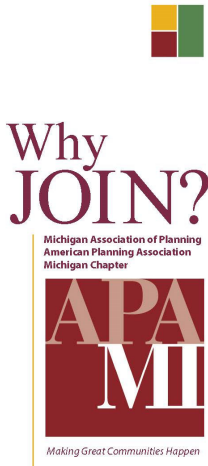
Housing in Four Parts

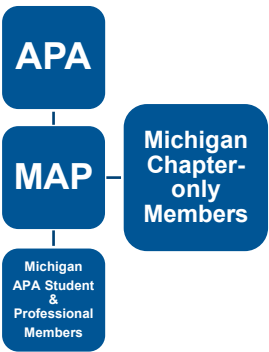
Part IV – Accessory Dwelling Units





About the Michigan Association of Planning


- 501 C 3 Non – Profit Membership Organization
- Established in 1945
- A Chapter of the American Planning Association – Incredible resources
- Members choose to join, MAP must demonstrate relevance
- 4,000 + members total
 - 1,000 APA professional planners, students, faculty
 - 3,000 Chapter Only elected and appointed officials
- Membership Sections include Student MAP (SMAP), Emerging Professional Planners (EPP) and Metro Detroit Planners (MDP)
- Membership benefits are delivered through three buckets: Information | Education | Advocacy







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Zoom Tips for Michigan Association of Planning Workshops

- **Technical Issues?**
Contact staff via the Chat Box, via phone (734) 913-2000, or via email at info@planningmi.org
- **Have a Question for the Instructor?**
Use the Chat Box: we have time for Q and A at the end



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WELCOME! ACCESSORY DWELLING UNITS

THIS TRAINING IS PROVIDED BY THE
MICHIGAN ASSOCIATION OF PLANNING



TODAY'S AGENDA



1. WHAT
2. WHEN
3. WHY
4. WHO
5. WHAT II
6. WHERE
7. HOW



WHAT ARE ADUs

MAP'S ACCESSORY DWELLING UNITS



What are ADUs?

- ADU is short for Accessory Dwelling Unit.
- According to the American Planning Association an ADU is “a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.”



Can you spot the property with an ADU?

- Sometimes it's easy to tell; sometimes not so much.



Can you spot the property with an ADU?





WHEN WERE ADUs ALLOWED

MAP'S ACCESSORY DWELLING UNITS



An ADU by any other name

- Carriage house, Granny flat, Casita, Ohana unit, Mother in law suite, Second Suites, Laneway houses, Maids Quarters
- Historically, smaller scale housing allowed near (in) larger homes to accommodate servants, ailing relatives, newlyweds, governess, etc.




What changed?

- Progressive Era policies
- Redlining
- Suburbanization



WHY ALLOW ADUs

MAP'S ACCESSORY DWELLING UNITS

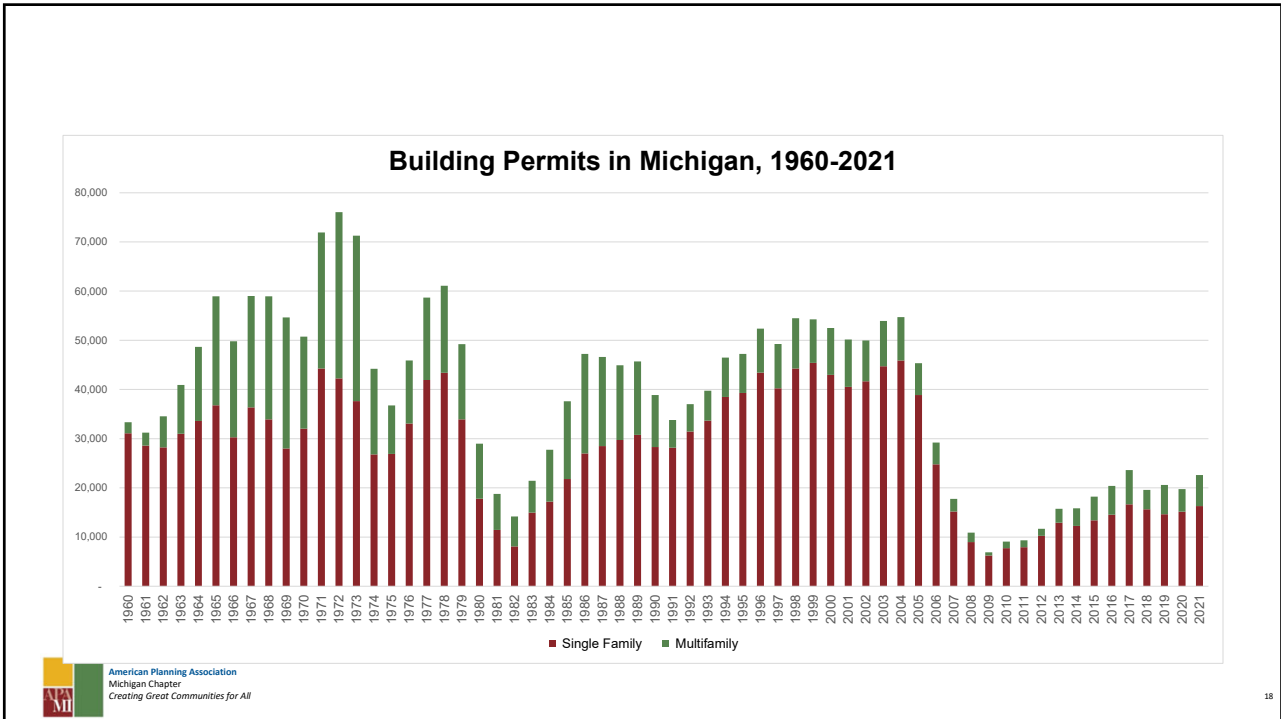


FRAMING THE PROBLEM: THE HOUSING CRISIS

- Construction rates have **not returned** to pre-Great Recession levels
- In Michigan, state population grew by only 2% between 2010-2020, but **households projected to increase by 3.7%** by 2030
- Compared to rate of 1968-2000, from 2000-2020, an additional **5.5 million** housing units should have been constructed nationwide
- **Shortage** of *at least* 150,000 housing units in Michigan by 2045 if trends continue

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17





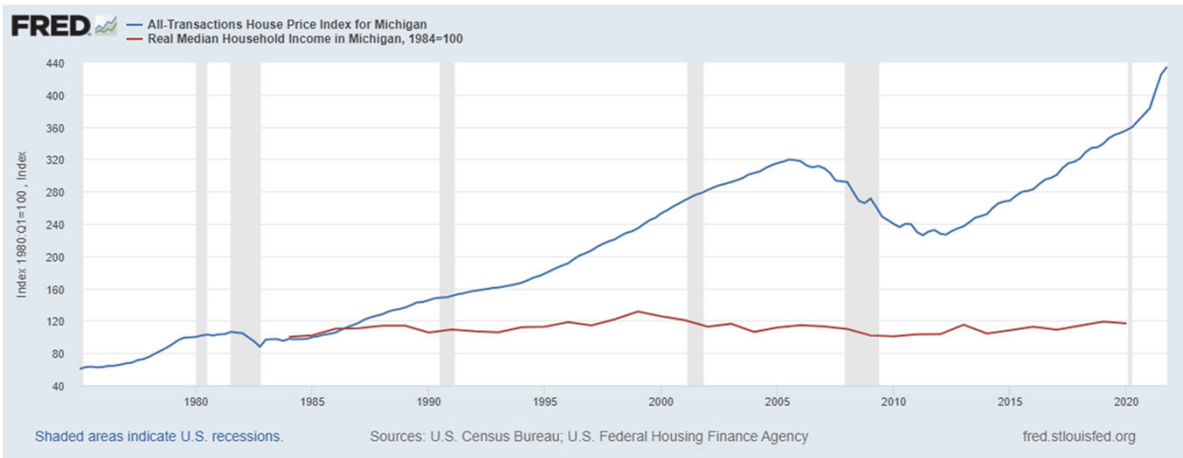
Housing Size v Family Size



YEAR	HOME SIZE	FAMILY SIZE	SQ. FT. PER PERSON
1950	983	3.8	258.7
2008	2500	2.6	961.5



Affordability Gap





ECONOMICS

- ADUs are small scale development
- You and your neighbors are the developers who increase the equity in their property, build wealth, and provide housing that is more affordable



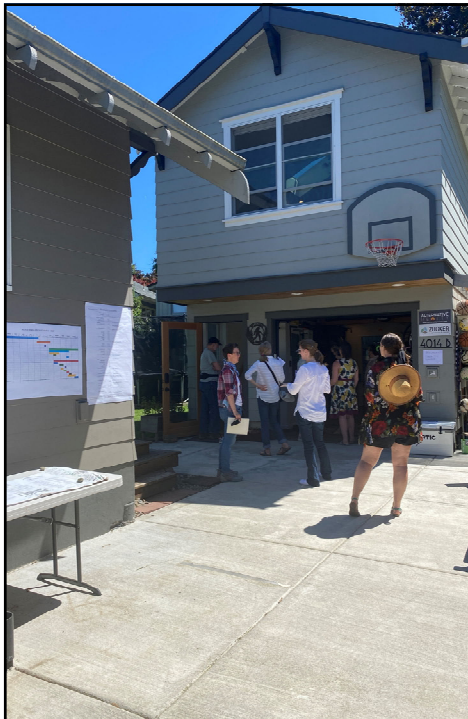
ENVIRONMENTAL

- Adding density, adding housing where there already are services
- Less driving, more economies of scale



VARIETY OF HOUSING

- Historically, smaller scale housing allowed near (in) larger homes to accommodate servants, ailing relatives, newlyweds, governess, etc. . .
- Today, smaller scale housing needed near (in) larger homes to accommodate housekeepers, nurses, older relatives, adult children while they save for a down payment, nannies, etc. . .



WHO IS ALLOWING ADUs

MAP'S ACCESSORY DWELLING UNITS



Other Places

- Hawaii - Ohana
- Vancouver – Laneway Houses
- Australia – Second Suites
- Portland, OR – ADU
- California - ADU



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Michigan

- Ann Arbor
- Mt. Pleasant
- Grand Rapids
- Traverse City



Accessory Dwelling Units Offer Unique Housing Options

Accessory Dwelling Units Offer Unique Housing Options



Building plans available.

Mt. Pleasant

Accessory dwelling units (ADUs) are small, secondary dwelling units located on the same lot as a larger, principal dwelling unit. They can be a detached structure in the backyard, an over-the-garage unit, or a



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Finding the Money to Build

Previously:

- Outside funds (cash on hand, gifts, 401K)
- Home equity, refinancing

Now: FreddieMac has recently changed its requirements.



WHAT ARE ADUs, PART II

MAP'S ACCESSORY DWELLING UNITS



Stand Alone

Pros

- Accessible
- Existing Living Space Preserved

Cons

- Expensive
- Lost Open Space









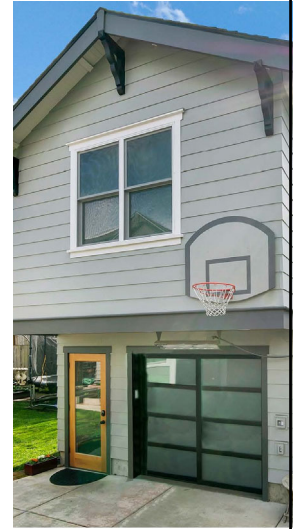

Over the Detached Garage

Pros

- Preserve Open Space
- Preserve Existing Living Space

Cons

- Stairs take up valuable space
- Not Accessible
- Privacy concerns
- Foundation
- Utilities



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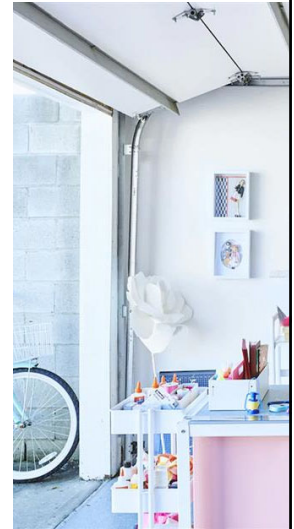
Garage Conversion

Pros

- Building is Already There
- Accessible
- Existing Living Space Preserved

Cons

- Parking & Storage
- Conversion is Tricky



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Attached

Pros

- Contextual
- Existing Living Space Preserved
- Accessible
- Utilities in place

Cons

- Loss of Open Space



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Same House!

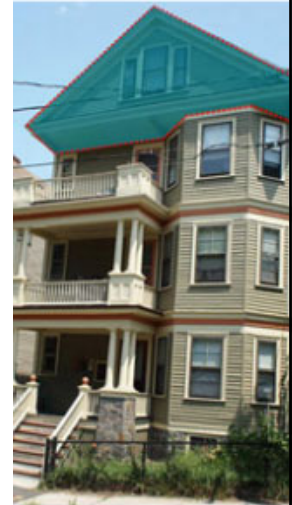


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Carve Out

- Pros
 - Least Expensive
 - Contextual
 - Preserve Open Space
- Cons – Loss of Primary Living Space



Design Considerations

- Access to ADU during construction and after
- Think about yards, trees, sheds, topography, utilities.
- A corner lot has a lot of advantages, much more accessible.
- Front door visible from the street.
- Have private viewsheds and yards.
- Barrier free.

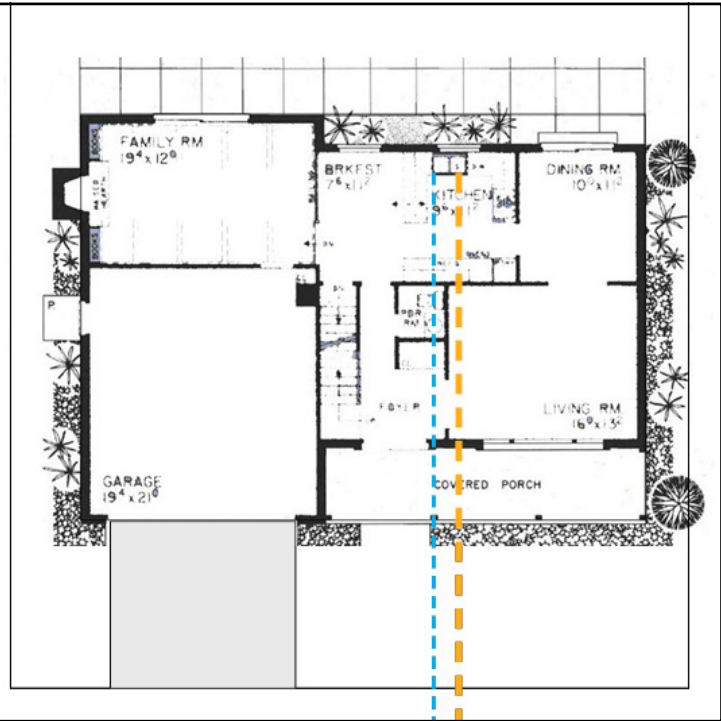


EXERCISE: ADU-CARVE OUT

You each have a floor plan and elevation of a typical single family home in Michigan. Take 15 minutes to carve out an ADU from this house.

The worksheet has additional instructions on it.

After you design the ADU, let's take 10 minutes to share/discuss.



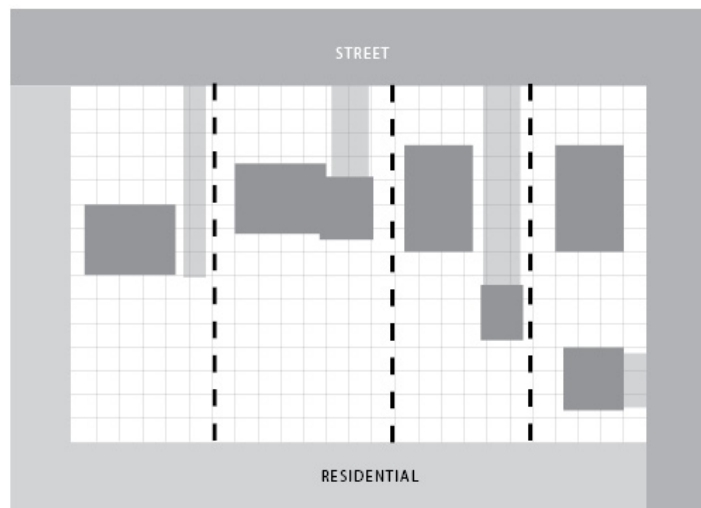
EXERCISE: ADU-ADDED ON

You each have plot plan of a typical residential property. Take 10 minutes to place an ADU in the optimal location.

- Attached or detached?
- Where will the front door be?
- What about a yard?
- Privacy from the neighbors?

ADU Workshop
Exercise: Where should the ADU go?

scale: 1 square = 100 square feet





WHERE TO PERMIT ADUs

MAP'S ACCESSORY DWELLING UNITS



Where to permit ADUs?

Everywhere!

EXERCISE: ADUs EVERYWHERE

Let's do some math. For this exercise, you will need the following data about your community.

Number of residents (last census)

Number of single family residential lots

Median household size (last census)

What was your community's peak population? What year?

If you allowed them everywhere, would they all get built? Probably not. What percentage would the most that would actually be built?

Enter the percentage that you estimate would be built (enter as a decimal)

Number of ADUs that would realistically be built if they were allowed in all single family residential districts

Now let's think about how many new residents that means.

Enter your community's median household size according to the last US Census

Number of new residents if the ADUs are occupied with the median household size

How probably the ADUs will have smaller families, mostly singles and couples. What do you think median household size for the ADUs in your community would be?

Enter the estimated median household size for ADUs

Number of probable new residents if the ADUs are occupied with the adjusted household size

Many communities, particularly cities and inner ring suburbs saw their population peak in the 1970s. Newer communities may have experienced a peak in 1970 or your community may still be growing.

Infrastructure, schools, shops, roads were (are) all designed for that peak population.

Enter your community's peak population

Enter your community's current population according to the last US Census



Everywhere!

It's not as dystopian as you might think.





If not everywhere, where?



Chief Concerns?

- Parking and Traffic
- Privacy

Solutions?

- Close to downtown
- Larger pieces of property



HOW TO ALLOW ADUs

MAP'S ACCESSORY DWELLING UNITS



ZONING

- Setbacks (lot lines)
- Separation (other structures)
- Lot Coverage
- Height
- Window placement



ZONING

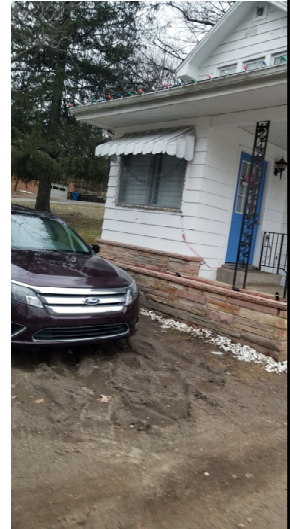
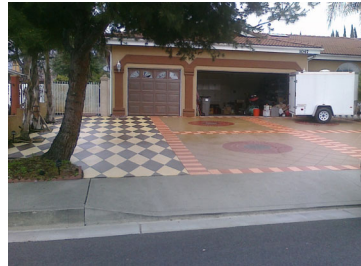
- Review Process
- Design Considerations
- Pre-Approved Plans





PARKING

- On Street
- On the Property
- Pavement
- Bonds
- How do we want to use our streets?



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BUILDING AND UTILITIES

- Building, Plumbing, Mechanical, Electrical Codes
 - Utilities will need to be separate and accessible to each unit
 - Separate sewer and water line may be required
- Fire Code and Emergency Access




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LICENSING

- Long Term Rental vs Short Term Rental?
- Can both the primary unit and the ADU be rented?

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OWNERSHIP

- Lot splits
- Condominiums

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FINAL THOUGHTS

MAP'S ACCESSORY DWELLING UNITS



Alice Nelson from the Brady Bunch





Emma and Flap Horton from Terms of Endearment



Arthur "Fonzie" Fonzarelli from Happy Days





Mindy McConnell and Mork from Mork and Mindy



Mary Richards, Rhoda Morgenstern, Phyllis Lindstrom from Mary Tyler Moore





Thank you!

FOR MORE INFORMATION ON **MEMBERSHIP**, HOW TO **BRING TRAINING TO YOUR COMMUNITY**, OR **OTHER WORKSHOP TOPICS** PLEASE SEE GIVE US A CALL OR SEND US AN EMAIL!

(734) 913-2000 | INFO@PLANNINGMI.ORG

QUESTIONS?



58

October 9, 2023

The regular meeting of the Chocolay Township Board was held on Monday, October 9, 2023, in the Chocolay Township Fire Hall. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Max Engle, Ben Zyburt, David Lynch, Judy White

ABSENT: Don Rhein (excused), Kendra Symbal

STAFF PRESENT: William De Groot, Suzanne Sundell

APPROVAL OF AGENDA.

White moved, Lynch supported to approve the agenda as presented.

MOTION CARRIED

PUBLIC COMMENT – NONE.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting September 11, 2023.
- B. Approve Revenue and Expenditure Reports –September 2023.
- C. Approve Quarterly Financials – 3rd Quarter.
- D. Approve Bills Payable, Check Register Reports – September 11, 2023 (Check #26361 – 26376 and ACH 7(A) SRF payment, in the amount of \$197,942.72), September 14, 2023 (Check #26377, in the amount of \$11,875.71), September 20, 2023 (Check #26378 – 26400, in the amount of \$39,598.20), and September 29, 2023 (Check # 26401 – 26415, in the amount of \$13,383.63).
- E. Approve Bills Payable – Regular Payroll of September 14, 2023 (Check #'s DD3578 – DD3615 and Check #'s 11411 – 11416, Federal, State, and MERS in the amount of \$49,832.81) and Regular Payroll of September 28, 2023 (Check #'s DD3616 – DD3644 and Check #'s 11417 – 11422, Federal State, and MERS in the amount of \$47,730.71).

Lynch moved, Zyburt supported to approve the consent agenda as presented.

MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen attended the Michigan Township Association Supervisor's Retreat October 5 and 6. He found the meeting to be interesting, with a couple of take-homes that may be operational in the future. Most topics discussed were informational and things we were already doing.

CLERK'S REPORT

Clerk Engle stated that Chocolay Township has contracted with Marquette County to conduct Early Voting for elections to be conducted in 2024. The Clerk's office will be attending training in Escanaba on Tuesday (October 10) in Escanaba. Additional training will be conducted as more decisions are made regarding how to conduct Early Voting. Election Inspector Certification will be conducted on November 1 and 2. This will be held at Chocolay Township, with the County Clerk's office conducting it.

TREASURER'S REPORT

Treasurer Zyburt reported that during the third quarter one Certificate of Deposit matured in the amount of \$250,000 at 5.1%. This was moved into a federally insured Money Market fund at 5.27% with a slight increase in interest of \$425 per year. As far as the Federal Reserve goes, Zyburt feels we are looking at one more bump before year end. Interest rates will stay higher for longer. With the Presidential election next year, they may start trying to lower rates before November, but this is predicated on what happens with inflation and employment.

PUBLIC HEARING – NONE

There will be a Public Hearing at the November meeting for the budget.

PRESENTATIONS - NONE

2024 DRAFT BUDGET FULL REVIEW

Manager De Groot stated that the budget is reflective of two major concerns. The first is that one of our employees has been moved into a full-time grant position. This is to streamline projects and work with our budget in projecting future needs. We currently have \$1.52 million out for grant request funding. To date, funding that has been received is \$270,000. This is being reflected in the revenues and expenditures that are projected for 2024. The two main areas of interest are the marina and the tennis courts. We have received limited amounts of approvals on these projects. There is also a need to improve parking at the Silver Creek rec area. This may result in a combined project using the funds available.

The other major area is the development of a salary matrix model to account for industry standards and the area that we are in. The base amount for 2024 is 3.5% for employee raises, with additional points awarded for seniority and ability.

Also looking at doing a rate study for the sewer system to make sure we are hitting target for covering expenses and planning for the future.

There has also been approval on a line item in the State budget of \$150,000 for Fire Department radios and other equipment.

Planning for a large increase in the Election department due to the upcoming 2024 elections.

We are trying to save capital at this time for a tanker purchase in 2030. This will be an \$800,000 to \$1.3 million expense. We may also be looking at electric apparatus in the future (2030 – 2040).

White asked about the increase in property taxes and the KBIC 2% money project revenue. White also asked about the decrease in recreation and property expense. De Groot stated this was because we did not receive the grant funding to be able to do the tennis court project. White asked about money being available to update the playground equipment.

De Groot then gave an overview on what information makes up the total amounts with the backup material on individual department sheets, which then is summarized on tables and spreadsheets that are presented to the Board.

CONSIDER ROAD COMMISSION CONTRACT TO PRODUCE GRAVEL CRUSHING AND STOCK PILING FOR THREE WEEKS AT FORMER SAND RIVER AGGREGATES PROPERTY FOR USE ON TOWNSHIP GRAVEL ROADS

Supervisor Bohjanen stated that this is a proposal to contract with a landowner and the Marquette County Road Commission to crush 15,000 tons of gravel and store this to be used on Township gravel roads. These roads would include Mangum Road, Kawbawgam Road, Shot Point, Green Garden and Greenfield roads. This involves three parties besides the Township: the gravel pit owner, the crushing company, and the Road Commission. The cost to the Township is about \$60,000 before the crushing and royalty fee, which would make the cost approximately \$86,700. The request would be in a not to exceed amount of \$105,000. This amount would come from reserves, as the road millage would not cover this. The Road millage did not include gravel roads in the millage language.

Zybur moved, Lynch supported to approve Chocolay Township to proceed with the plan and follow up with agreements with the necessary parties.

MOTION CARRIED

CONSIDER REZONING 52-02-135-016-02 (537 WEST BRANCH ROAD) TO AGRICULTURAL / FORESTRY

Manager De Groot stated that in 2008 there was nothing in the Zoning Ordinance on zoning on State lands. As the state continues to convey to private owners, the new zoning ordinance would include base zoning as being AF. The Township cannot rezone State land, but when conveyed it will be able to revert to base zoning.

Lynch moved, White supported that the zoning for parcel 52-02-135-016-02 located at 537 West Branch Road be changed from State Lands to Agriculture / Forestry (AF).

ROLL CALL VOTE

AYES: White, Lynch, Zybur, Engle, Bohjanen

NAYS: None

ABSENT: Rhein, Symbal

MOTION CARRIED

CONSIDER BUDGET AMENDMENT GF #7 – POLICE ACADEMY REIMBURSEMENT

Zyburt moved, Lynch supported that:

Whereas, a budget was adopted by the Chocoley Township Board to govern the anticipated General Fund expenditures of the Township on December 12, 2022 for fiscal year 2023, and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures.

Now Therefore, Be it Hereby Resolved, that the FY 2023 budget be modified as follows:

	PREVIOUS	CHANGE (+ / -)	AMENDED
REVENUE			
101.698	\$ 51,673.00	\$ 42,368.21	\$ 94,041.21
EXPENDITURE			
Salaries			
101.305.702	\$ 359,278.00	\$ 22,200.00	\$ 381,478.00
Overtime			
101.305.713	\$ 32,042.00	\$ 1,193.26	\$ 33,235.26
Soc Sec / Medicare			
101.305.709	\$ 31,348.00	\$ 1,789.59	\$ 33,137.59
Health Insurance			
101.285.925	\$ 221,946.00	\$ 3,248.59	\$ 225,194.59
UIA			
101.285.927	\$ 2,993.00	\$ 304.00	\$ 3,297.00
Training / Education			
101.285.840	\$ 14,500.00	\$ 12,880.00	\$ 27,380.00
Uniforms & Accessories			
101.305.745	\$ 5,000.00	\$ 752.77	\$ 5,752.77

Roll Call Vote

AYES: Lynch, White, Zyburt, Engle, Bohjanen

NAYS: None

ABSENT: Rhein, Symbal

MOTION CARRIED

CONSIDER BUDGET AMENDMENT CIF #8 – CELL TOWER REVENUE ADJUSTMENT

Lynch moved, White supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund expenditures of the Township on December 12, 2022 for fiscal year 2023, and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures.

Now Therefore, Be it Hereby Resolved, that the FY 2023 budget be modified as follows:

	PREVIOUS	CHANGE (+ / -)	AMENDED
REVENUE			
Rent			
401.000.670	\$ 8,250.00	\$ 8,250.00	\$ 16,500.00
EXPENDITURE			
Recreation & Properties			
Land Improvements			
401.756.972	\$ 105,470.00	\$ 8,250.00	\$ 113,720.00

Roll Call Vote

AYES: Lynch, White, Zyburt, Engle, Bohjanen

NAYS: None

ABSENT: Rhein, Symbal

MANAGER UPDATE FOR THE SEWER AND BUDGET

Sewer – received a confirmation letter from the State stating the sewer project is done. Working on making sure all paperwork is in order in case of an audit and looking at releasing the final payment to Oberstar shortly.

Budget – Currently looking at year-end adjustments for 2023. In regards to Budget Amendments, when looking at KBIC 2% funds, would the Board prefer an estimate from the Manager, or would the Board rather make the decision on the allocation. Zyburt indicated he would prefer recommendations from staff. Others on the Board agreed.

There will be a public hearing on the Budget next month. We are waiting to hear on the premium increase from VAST – anticipating a 7% increase.

BOARD MEMBER COMMENTS

Don Rhein - absent

Kendra Symbal – absent

Judy White – reported on MCSWMA and Library Advisory Council. Asked about the Early Voting that is going to be held in November at PWPL.

Dave Lynch – wondered about a trustee that has not made the last four meetings. Is there any way of replacing the trustee if they do not want to continue on the Board. Supervisor Bohjanen indicated that the method of replacement would be a recall (initiated by the residents) or going through the Governor’s office to have the Trustee removed. An elected office operates differently than other Boards and Commissions where members are appointed and they are governed by by-laws.

Ben Zybert – None.

Max Engle – None.

Richard Bohjanen – Reminded everyone on the Townhall Meetings that are taking place – September 26 (well attended), October 10, and October 17.

PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane – spoke in regard to the rezoning of 537 West Branch Road. Was surprised that no discussion was included on violation on property. Presented a picture taken from neighbor’s backyard. Wondered about being built without permit. Consequences for violation? Supervisor Bohjanen indicated that building permits are issued by the County, site permits by Township. No rules if land isn’t zoned.

Ruth Ziel, representing League of Women Voters – chose to attend the meeting as she is a resident of Chocolay and found this to be a way to stay more informed.

Engle moved, Lynch supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:29 p.m.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of September 18, 2023, Draft.
- B. Minutes – Chocolay Township Planning Commission; Work Session of September 26, 2023, Draft.
- C. Minutes - Marquette County Solid Waste Management Authority, Special Meeting of August 25, 2023, Draft.

- D. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of September 20, 2023, Draft.
- E. Minutes – Marquette Area Wastewater Advisory Board, Regular Meeting of August 24, 2023.
- F. Information – Chocolay Township Newsletter – September 2023.

Max Engle, Clerk

Richard Bohjanen, Supervisor

CHOCOLAY TOWNSHIP NEWSLETTER

October 2023

DEPARTMENT REPORTS

Assessing

By John Gehres

Inspections for the re-appraisal and new construction continue, we expect to have that wrapped up in the next couple of weeks. The CPI hasn't been posted by the state but is expected to be lower than last year's all-time high.

Clerk

By Lisa Perry

The Clerk's Department attended an Election training on October 17 in Escanaba that was put on by the Bureau of Elections (BOE). The topic of discussion was regarding Proposal 22-2 and how it will be implemented in the 2024 elections.

As of the date I am writing this, there has been no confirmation on the date for the Presidential Primary election, it will be held either February 27 or March 12. Once Chocoday Township has confirmation, there will be a letter mailed to our registered voters with a full update of Election processes brought on by Proposal 22-2.

Please remember if you are new to Chocoday or moving to another location in Michigan, to change your driver's license, this will alert your new and former jurisdiction of your location change. To check your voting registration status or find voter information, please go <https://mVIC.sos.state.mi.us/>

Fire Department

By Lee Gould

October each year is fire prevention. Each year the fire department visits Cherry Creek School and

daycares and has daycares come do station tours to teach the children fire safety. This year was cooking safety, so we had some fun discussions with the kids about cooking safety. Starting kids on fire safety provides them the foundation to be safe and bring the message home to their parents.

We are still transitioning to the cold season. Getting the water rescue gear stowed away and winter gear out is important. This includes ice and snowmobile rescue. Our training on these varies depending on weather conditions each year.

Our call volume slowed for October which is typical for fall. Generally, our call volume slows in October and November and picks back up in December.

Public Works

By Brad Johnson

The contractor is here removing the old siding, adding foam, and installing the new siding. This project is expected to last about 3 weeks.

The fall brush drop went extremely well this fall. People followed the rules the best staff has ever seen.

I have reviewed all the videos on the sanitary sewer televising and have started to put together my recommendations for the asset management plan. I am really hoping to have something put together for the Board for the December meeting.



Planning / Zoning

By Dale Throenle

Technology

On October 23, the new Township web site launched. The Township has switched from chocolay.org to chocolay.gov with this new site.

All email addresses for the Township staff and officials have a new extension; all have changed from @chocolay.org to @chocolay.gov. You can send your email either to the old address or the new; both will be received.

Check out the new site and let us know what you think. You can send comments regarding the site to publiccomments@chocolay.gov or let us know at the office front counter.

Planning Commission

The Planning Commissioners participated in two work sessions during October; one was held on October 10 and the other was held on October 17. Both sessions were in the Township Fire Hall.

For both meetings there was one item on the agenda:

- 1) Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Sessions Commissioners discussed the items to be presented at the three town hall meetings scheduled for September and October. Discussion included items to be

Commissioners attended the meetings to hear talking points from the public regarding the proposed changes for the Agriculture / Forestry (AF) zoning district. Chair Soucy gave a short presentation at each meeting, after which the Commissioners interacted with the public to get their input.

The next Planning Commission meeting is scheduled for **November 20 at 6PM.**

displayed and how the town halls would be conducted.

Zoning Board of Appeals

The Zoning Board of Appeals did not meet for its regular meeting in October and will not meet in November.

Police

By Liz Norris-Harr

October 28th was the National DEA Drug Take Back day. We were open 10a-2p and had 8 people stop in to drop off meds totaling 4 lbs. This is incredible! MSP will be collecting the pills on October 30th. Chocolay township will be turning over 54lbs of pills! We will continue to spread the word that pill drop off can happen Monday through Friday 8-4.

Officer Havala and Officer Mitchell are moving along in their field training process. They have been out on their own a little bit starting the last week of October. They were at the school every day for traffic. In October a week was dedicated to National School Bus safety week. We took this opportunity to follow the buses on their routes and keep an eye out for violators.



Prescription Drug Collection

Prescription drug collection through the drop-off box at the Township Police Station.

Month 2019	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Pounds To-Date	5.5	4	8.5	7	2.5	6.5	12	6.5	5	5.5		
Pounds Year To-Date	5.5	9.5	18	25	27.5	34	46	52.5	57.5	63		

FOIA

REQ #	Date Rec	Res by Date	Invoice Sent	48 Days Invoice	10 day Ext Sent	10 day Ext	Response Date	Link to Documentation	Description	First Name	Last Name
23 1	2/6/2023	2/20/2023					2/7/2023	23 1 Glendon	Police Reports	Joanna	Glendon
23 2	2/15/2023	2/21/2023					2/15/2023	23 2 Dankin	Police Reports		Feirell
23 3	2/24/2023	3/1/2023					2/28/2023	23 3 Skyline Lien Search 02.24.23	Property Information	Skyline Lien Search	
23 4	3/6/2023	3/20/2023					3/10/2023	23 4 Hyde 03.06.23	Police Reports	George	Hyde
23 5	3/14/2023	3/20/2023					3/17/2023	23 5 Mulcahey 3 14 23	Job descriptions	Deborah	Mulcahey
23 6	3/14/2023	3/20/2023					3/16/2023	23 6 McLaughlin 3 14 23	Police Reports	Michelle	Phillips
23 7	3/17/2023	3/24/2023					3/21/2023	23 7 Police Request 3 17 23	Police Reports	Nicole	Beneser
23 8	3/20/2023	3/27/2023		03/24/2023	4/11/2023		4/9/2023	23 8 Mulcahey request 3 20 23	Job descriptions	Deborah	Mulcahey
23 9	3/14/2023	3/21/2023		03/21/2023	4/4/2023		3/23/2023	23 9 Metropolitan request 3 14 23	Fire Report	Metropolitan	Reporting Bureau
23 10	4/5/2023	4/12/2023					4/12/2023	23 10 Eric Riley GFL Environmental	Refuse/Recycle Information	Eric	Riley
23 11	4/12/2023	4/18/2023					4/18/2023	23 11 Carrie Vanlandshout 04 12 23	Police Reports	Carrie	Vanlandshout
23 12	4/14/2023	4/21/2023					4/18/2023	23 12 Tommis Request 4 14 23	Contracts and accounts receivable	Angel	Tommis/ Steep Steel
23 13	4/19/2023	4/25/2023					4/19/2023	23 13 Ryan Talbot Flagstar Bank 4 19 23	Police Reports	Ryan	Talbot/Flagstar Bank
23 14	4/25/2023	5/2/2023	5/10/2023	6/27/2023	04/25/2023	5/26/2023	Expire d	23 14 Miller request 4 25 23	Elects on Mterials	Ye huda	Miller
23 15	5/3/2023	5/9/2023					5/8/2023	23 15 Nicole Rogers & Curran & Co 05 03 23	Police Reports	Nicole	Biozek/ Curran & Co.
23 16	5/4/2023	5/10/2023					5/8/2023	23 16 Lombard 05 04 23	Police Reports	Kristen	Lombard
23 17	5/17/2023	5/24/2023					5/14/2023	23 17 Cass 05 17 23	Police Reports	Cheyenne	Cass
23 18	6/6/2023	6/13/2023					6/6/2023	23 18 Holm 6 6 23	Police Reports dog bite	Cathy	Holm
23 19	6/13/2023	6/19/2023					6/19/2023	23 19 Harry 6 13 23	Police Reports	Susan	Harry
23 20	6/22/2023	6/28/2023					6/27/2023	23 20 Roose 6 22 23	Police Reports	Erica	Roose
23 21	6/27/2023	7/3/2023	6/27/2023	8/14/2023			cancelled	23 21 Miller 6 27 23	Elects on Mterials	Ye huda	Miller
23 22	7/13/2023	7/19/2023					7/14/2023	23 22 Johnson 7 13 23	Police Reports	Brad	Johnson
23 23	7/21/2023	7/27/2023					7/24/2023	23 23 Mulcahey 7 21 23	Real Registrations	Deborah	Mulcahey
23 24	7/24/2023	7/31/2023					7/27/2023	23 24 Barnes and Thornburg LLP 7 24 23	Fire Report	Barnes & Thornburg, LLP	
23 25	8/9/2023	8/16/2023					8/9/2023	23 25 Miller 2025 Elections Request 8 9 23	Elects on Mterials	Ye huda	Miller
23 26	8/16/2023	8/22/2023					8/17/2023	23 26 Soucy 08 16 23	Police Reports	Emily	Soucy
23 27	10/4/2023	10/10/2023					10/30/2023	23 27 Brugman 10 04 23	Police Reports	James	Brugman
23 28	10/17/2023	10/23/2023					10/20/2023	23 28 Mulcahey 10 17 23	FOIA documentation	Deborah	Mulcahey
23 29	10/19/2023	10/25/2023					10/23/2023	23 29 Reynolds 10 19 23	Police Reports	Brenda	Reynolds
23 30	10/19/2023	10/25/2023					10/23/2023	23 30 Mulcahey 10 19 23	Zoning Permits	Deborah	Mulcahey
23 31	10/24/2023	10/30/2023					10/26/2023	23 31 Mulcahey 10 24 23	Police Reports	Deborah	Mulcahey



Web Page Statistics

New statistics will be published beginning next month.

Year to date totals through September are shown in the table

Month	Unique Visits	Number of Visits	Pages	Hits	Bandwidth (GB)
January	2,166	4,268	16,517	31,093	14.68
February	1,972	4,032	22,272	34,526	20.39
March	1,808	4,059	18,225	30,410	13.34
April	1,843	4,028	17,535	29,540	17.12
May	2,641	4,149	48,219	72,440	20.17
June	2,926	4,611	50,005	73,856	21.70
July	3,186	5,079	46,655	75,335	27.54
August	2,771	4,292	51,041	74,387	25.63
September	2,915	4,445	39,954	49,006	15.55
Totals	22,228	38,963	310,423	470,593	176
Averages	4,446	7,793	62,085	94,119	35.22

Highest hits per day in **September** for the Township web site occurred on Thursday and the highest peak usage time was 2 AM to 3 AM.

Downloads

New statistics will be published beginning next month.

There were 1017 downloaded documents in **September**. The top ten documents downloaded were:

Page	Number of Downloads
2023 Meeting Dates	150
Township history	138
2023 Notification Dates	105
Township Board agenda materials – 09.11.23	90
Township Board minutes – 07.10.23	87
Township Board agenda – 09.11.23	84
Township Board minutes – 06.12.23	78
Township Zoning Ordinance	73
Township Board minutes – 05.08.23	65
Adopted fee schedule	61



Page Visits

New statistics will be published beginning next month.

Top ten pages visited in **September** were:

Top ten pages visited in September were: Page	Number of Views
Recreation listing	1,092
Recycling	746
Directory email	696
Agendas and Minutes – Township Board	542
Contacts	446
Agendas and Minutes – Planning Commission	382
Information and Newsletters	352
Public Works	352
Clerk	347
Forms	341

Zoning Permit Counts

Zoning permit counts through October, 2023:

2023 Reviewed Permits by Month		2023 Reviewed Permits by Type		
Month	Number of Permits	Permit Type	Approved Number	Denied Number
January	0	Addition	5	0
February	0	Alteration	0	0
March	6	Commercial Outbuilding	0	0
April	11	Conditional Use	2	0
May	11	Deck	3	0
June	9	Fence	17	0
July	15	Garage	7	0
August	6	Grading	0	0
September	9	Home	4	0
October	6	Home / Garage	2	0
		Home Occupation	1	0
		New Commercial	1	0



2023 Reviewed Permits by Month		2023 Reviewed Permits by Type		
			Approved	Denied
		Outbuilding	19	0
		Pole Building	2	0
		Rezoning Application	1	0
		Sign	7	0
		Site Plan Review	2	0
		Zoning Variance Request	0	0
Total	73	Total	73	0



OFFICIAL PROCEEDINGS OF THE MARQUETTE CITY PLANNING COMMISSION September 5th, 2023

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, September 5th, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Planning Commission (PC) members present: W. Premeau, K. Clegg, A. Andres, M. Rayner, Vice-Chair N. Williams, D. Fetter, C. Gottlieb, Chair S. Mittlefehldt.

PC members absent: S. Lawry (excused).

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas, Director of Planning and Community Development D. Stachewicz

AGENDA

It was moved by C. Gottlieb, seconded by K. Clegg, and carried 8-0 to approve the agenda with the addition of a second subitem to the Work Session item, for preparation of the P.C. annual report to the City Commission.

MINUTES

The minutes of 08-15-23 were approved as presented, by consensus.

WORK SESSION

1. Update on Community Master Plan Renewal project by Becket & Raeder representative

D. Stensaas stated that Russ Soyring was here to deliver a presentation for Beckett and Raeder on the status of the Community Master Plan (CMP) update and that A. Landers has updated data on land use by parcels and zoning districts for the Planning Commission and the CMP project consulting team and that we can go over that after the presentation by Mr. Soyring.

Mr. Russ Soyring said that he was here with Alex Wilkinson, who is working for Beckett and Raeder here in Marquette on specific assignments including taking photos, for the Community Master Plan project. Mr. Soyring also said that he wanted this to be a discussion and not just a presentation, and he invited the Planning Commission and staff to ask questions or comment at will.

Mr. Soyring stated that he will talk about portions of the CMP that have been drafted and reviewed by staff, but he would like to say that the “what’s left to do” list includes a section on Coastal Resiliency, Housing and Neighborhoods, Economic Development, and Land Use to include existing and future land use as well as zoning. He stated that he estimates that all the material will be provided in a final draft in late October and talked about that timeline and process for completing of the updated CMP document, public review, and final adoption.

He then discussed data and information received as a result of to the two major online public surveys and the three major public engagement sessions that were conducted in the city, spending quite a bit of time talking about the charted results of community comments provided about the desired types and mix of housing and commercial properties in specific parts of the community, per the visual preference survey that was conducted at the open house.

Mr. Soyring provided a tax revenue per acre diagram of land in the city and discussed the reported values, which showed that development in the waterfront area of the city to be by far the most valuable and that small lots around the downtown core generate more tax revenue per acre than larger lot subdivisions on the outskirts of town. He also stated that pattern is fairly typical, as buildings take up more of the space on smaller lots and in commercial areas that have large parking lots, the parking lots generate almost no taxes and one-story buildings that spread out are also not generating much revenue and may not generate as much revenue as a home on a small lot, on a per-acre basis.

He also discussed in detail the results of the Redevelopment Workshops, prefacing the information and data with the explanation that this facet of the public involvement program was connected to the fact that the City lost its largest taxpayer when the Wisconsin Energies power plant on N. Lakeshore Boulevard was permanently closed in 2021. He went over the public input received about the following “redevelopment sites”, which were determined by members of the public indicating on maps where they thought transformative interventions were appropriate to create improved conditions: South Front Street, N. Lakeshore Boulevard (north of Ridge St.), West Washington St. (from McClellan Ave. to US-41/M-28), the 1301 O’Dovero Drive property where Tadych’s Foods is located, and the former Marquette Mall site.

Mr. Soyring also discussed highlights of the draft CMP sections on demographics, natural features, community facilities, transportation and recommendations for the natural features and transportation sections.

A. Landers presented data in the form of tables showing actual land use by number of parcels and area within the city (both as a finite amount and as a percentage of the total area), as well as the number of parcels by zoning district. She also presented a map of the city that showed all of the parcels in the city by the existing land use category, with a total of ten (10) categories, and she said this information was acquired by reviewing the land use status that the Assessing Department has and comparing to the data in the Building.net files that the City maintains.

2. Preparation of Planning Commission Annual Report to City Commission

D. Stensaas said that the presentation of the Annual Report is scheduled for Monday, September 11th and staff has updated the membership information and key data in the report, but the Planning Commission needs to determine what concerns and goals it wants to include in the report. He showed the report in PowerPoint and moved through the presentation showing the various pages and topics. The Planning Commission and staff discussed the report contents and decided that the issues of a Climate Action Plan, Mobility, and Housing are the top issues that should be addressed in the report. D. Stensaas said that he will work with Chair Mittlefehldt on the details and when the draft report is finalized, he will send it to the PC members by email.

COMMISSION AND STAFF COMMENTS

W. Premeau said that the sidewalk fund money has been wasted for years and it has not been improving walkability at all. He said that he liked the fact that it was mentioned in the presentation that asphalt absorbs heat and radiates it back. He said that there are huge rubber roofs, most of them are black, at NMU as an example, and parking lots – when you take into account, climate change may not be the bad animal you’re worried about. He also said that, regarding talk about “the wilderness experience”, where’s the wilderness? He said the paved trail with benches every 50 feet isn’t wilderness. He also said that when the surveys are distributed, is it by group or by whoever shows up? He said that if you ask the taxpayers what they want you’ll hear a different story, and that K.I. Sawyer has a big upgrade program

going on and that they can't get more carriers because there's not enough space for them to deplane, but they are working on that now and another upgrade is going to occur in a few years. He also asked rhetorically if the taxpayers benefit from tourism and said that downtown businesses benefit, but that the average taxpayer gets nothing.

A. Andres said that since 2013, when he joined the Planning Commission, the PC has done some amazing work trying to improve the city and things for the residents of the city, but it is frustrating that we have many obstacles that prevent things from getting done and we don't have a tendency to look back and see what wasn't accomplished and he wants to reiterate that its necessary to not only judge where we're going but to see how we did previously and learn from our mistakes or mishaps and try to take the low-hanging fruit where we can to try to solve the issues that are still existing.

D. Fetter stated her thanks for the presentation and to Andrea for her work on the updated land use data. She said that she enjoyed seeing all of the presentation information.

S. Mittlefehldt stated during her sabbatical last year she researched the history of biofuels and their production in the United States and she learned that the former Cliffs-Dow site was the world's largest wood distillery, from 1935 to 1968, and that she has decided to launch an oral history project for people that lived near the Cliffs-Dow site or worked there. She said the response from the community has been strong, and asked that anyone who knows of anyone that worked there and wants to share their story to send them her way, and it will be archived at the NMU Archives, where many records from the company reside. She also asked if staff had any information they could share about the status of the proposal to locate a new veteran's home to that vicinity?

D. Stachewicz stated that they have approached the Commission with their interest in doing that, but that the City is not in negotiations.

S. Mittlefehldt stated that it would be fantastic if there is a way to mitigate the black tar ooze and other contamination, and if there is a way to do that, what better population to live along our shoreline than our vets?

D. Stensaas wished Commissioner Premeau a happy birthday. He also stated that the next meeting could be cancelled since there is no business and there will be four cases for the first meeting in October.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 7:45 p.m.

Prepared by: kw/iMedat

Edited by D.Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison

OFFICIAL PROCEEDINGS OF THE MARQUETTE CITY PLANNING COMMISSION October 3rd, 2023

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, October 3rd, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Planning Commission (PC) members present: W. Premeau, K. Clegg, S. Lawry, Vice-Chair N. Williams, M. Rayner, D. Fetter, C. Gottlieb, Chair S. Mittlefehldt.

PC members absent: A. Andres (excused).

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

AGENDA

It was moved by S. Lawry, seconded by M. Rayner, and carried 8-0 to approve the agenda with the addition of an item of correspondence received today for case 05-SUP-10-23, a letter from the Fire Dept. to the 616 Fisher St. property owner and related to the 06-SUP-10-23 case, and site photos for each of the rezoning cases.

MINUTES

The minutes of 09-05-23 were approved as presented, by consensus.

CONFLICT of INTEREST

There were no conflicts of interest stated.

PUBLIC HEARINGS

A. 05-SUP-10-23 – 3201 Division St. (PIN: 0515980): Special Land Use Permit for an expansion of their Land Intensive Recreational Use

A. Landers stated that staff have reviewed a Special Land Use permit for an expansion of a Land Intensive Recreational Use to add a vault toilet structures, parking lot expansion and improvements, pedestrian and bike safety improvements, site improvements, and designate a picnic area, located at 3201 Division Street. She also stated that the Planning Commission should review the Special Land Use application and attachments, Site Plan Review application and site plan, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and Land Intensive Recreation Use Standards in Section 54.641.

She discussed and showed on wall monitors the attached Staff Report/Analysis and attachments, the Special Land Use application, Site Plan Review application, site plan, and background information related to previous approval for a Conditional Land Use permit. She expanded on the Staff Report items, showing maps, photos of the site, site plans, and pointed out the area around the driveway entrance that is owned by Cliffs Natural Resources that the NTN is in the process of purchasing. She also read an item of correspondence from Mark and Erin Ellison that was received by email this morning (10/03/23) in opposition to the proposal.

Ms. Lori Hauswirth, Director of the Noquemenon Trail Network (NTN), stated that she and Traci Goebel are here for the NTN. She also stated:

One correction to the staff description is that this is an expansion of an existing parking lot, it's not a new parking lot. Just for clarification on that, it basically is to serve the public, the recreational use is public. We see a lot of use at that trail head, and right now we basically have a temporary toilet that's serviced

monthly, that isn't serving the waste needs of the facility based on the public use that's happening there. We want to make the parking lot flow a little bit better which is part of the design so people are parking in a more organized fashion there, to increase that capacity as well as grading the parking lots, we currently use the entrance for safety for people exiting and entering that spot. As we know, that's a pretty dangerous piece of highway there. There's a lot of discussion around that. We didn't know we didn't own the entrance until we started this process, which was a surprise to us. CCI is actually quit-claiming that piece of property, which you should receive the additional correspondence that that is in the works. They're in the process of filing that (inaudible) have to report that. I will let Tracy speak a little bit to you and make the landscaping of the layout of the design.

Ms. Traci Goebel stated that she was an NTN board member and the engineer of record for the project. She also stated:

So, Lori covered the high points. I would say the parking lot itself is being nominally expanded on the southwest and north end edges by 20 to 40 ft. roughly, to really increase the organization of the parking lot, accommodate one way traffic and a loop around there, also to accommodate some larger vehicles with trailers in the designated parking area for those, because right now they come in and they just park and it prohibits other people from parking there in high use times. We are raising the entrance up at MDOT's recommendation, approximately 3 feet, to improve visibility and improve ingress and egress and also partially paving it, just at their recommendation. Beyond that, I guess I don't have anything to add. We're trying to do I guess a little bit of landscaping, a little bit of aesthetic improvements in the parking lot, and those also double as storm water management.

S. Mittlefehldt asked - Do any Commissioners have any quick questions of clarification while we have the applicants' up?

C. Gottlieb asked - When is the, you said there's a quit-claim deed coming?

Ms. Traci Goebel stated we were provided with their signed copy on Friday and they expected it to be sometime this week that they get the signed copy out, the original.

C. Gottlieb asked - Cleveland-Cliffs have signed a quit-claim deed already and that's being, where is it right now?

Ms. Traci Goebel said - I think we got an electronic copy and they're mailing the final copy, and it needs to be recorded.

D. Fetter said - You mentioned one-way traffic. Will there be signage included to be able to support one-way?

Ms. Goebel stated:

Yes, that's our plan at the entrance island there, it's the green one you see we'll have the (inaudible), NTN South Trails parking lot and then one-way traffic with some indications supporting that.

S. Mittlefehldt said - I just have a question about the paving, so you said it's partially paved?

Ms. Goebel stated:

It's actually shown on the drawing, the darker shaded park off of M-553 where Andrea's operating the mouse right now, just that area just to give it just a little traction.

Ms. Hauswirth stated:

We see people spinning on the gravel is a pretty regular thing, so we wanted to do what MDOT recommended, and that one safety improvement was the elevation, and the paving that they suggested when we've had conversations with them.

C. Gottlieb asked - And there's a culvert that will go in just beyond the paving?

Ms. Goebel stated:

Right now the design shows a culvert, actually it's called an under drain, it goes from that- it's hard for me to-

A. Landers stated the dash lines here?

Ms. Goebel stated:

The dash- well there's a culvert there and it will go across under sort of along the road right of way. That is subject to MDOT approval on sizing and then there's also an under drain that goes to the storm water collection area, which is from the south side of that long island over to the storm water collection area, because basically that is a bioswale kind of similar to what is at the Co-op, if you're familiar with that parking lot, a depression, water flows down and then it collects in a catch basin and goes across.

S. Mittlefehldt said - I know Commissioner Lawry mentioned, but just a follow-up so is that dash line, is that underneath or is that just the drainage from that middle part?

Ms. Goebel stated:

So yes, there's a culvert underneath [inaudible] that goes from storm water detention, a small storage area across to just an existing drainage area right now that ultimately will just be the [inaudible], and there's also one that is underground across to-

S. Mittlefehldt said - Okay, so draining the middle portion?

Ms. Goebel stated: Correct.

S. Mittlefehldt said - Great, and Commissioner Lawry, do you have a question?

S. Lawry stated:

A couple of them, yes, the different regarding the landscape plan it's the packet shows I believe concrete wheel stops aligning the edges of the parking wheel stops outlining the edge of the space which really helps to provide some order to parking, but that's the only place I've seen them and they weren't called out in the notes so I'm wondering are they included or are they not?

Ms. Hauswirth stated: Yeah...because it is going to be a ground parking lot, that'll be the thing that helps define the spots. We need to add some, but yeah.

S. Lawry stated: And how do you intend to define the pedestrian cross-walks that you have there?

Ms. Goebel stated: With some signage in the gravel area.

Ms. Hauswirth stated: It'll be finer gravel, it's all packed surface.

S. Lawry stated:

Okay so visually with a different surface texture and you mentioned one sign indicating the direction of traffic flow at the entrance...so hopefully those are part of any revised plan that you submit, you could indicate your total traffic control system. And I also had a question about is there a water source on site right now?

Ms. Hauswirth stated: There is not.

S. Lawry stated: How do you intend to maintain the vault toilet?

Ms. Hauswirth stated: We will need to haul in the water to do that, if and when it's necessary.

S. Lawry stated: Okay, you will do that with NTN staff, or contract with the service that's providing your toilet service?

Ms. Hauswirth stated: We'll be weighing our cost to that, to see what works best.

S. Lawry stated: Okay, well having maintained a number of them for different municipalities in the past, they do require frequent cleaning.

Ms. Hauswirth stated: We have vault toilets at our Forestville trailhead, so I am well aware of the needs, thank you. [Laughs]

S. Lawry stated: One other question, has SEMCO reviewed these plans at all?

Ms. Hauswirth stated:

Initially, when we were developing the concept for the project, we did meet with SEMCO. They came out to the site and we are aware of their coverage requirements. They have to be on site for all earth moving in the vicinity of the pipeline, that's in the comments for the drawings set, and there's approximately 7 to 8 ft. of cover over that pipeline right now in this area, and they need a minimum of 3 feet, but I think the design, because we're going to do some regrading has 4 to 4-1/2.

S. Lawry stated: They also have some concerns about adding material when traffic is going to be driving over the pipes, so I guess that's something to explore with them as well. Okay, thank you.

S. Mittlefehldt said: Any other questions?

K. Clegg asked: In your drawings, it talks about lights. Are there lights on the property right now?

Ms. Hauswirth stated:

There is one light on the front edge of the parking lot and the building itself has some lights.

K. Clegg asked - Your stated hours of operations are dawn to dusk, just something in addition that you're looking to expand your hours or...?

Ms. Hauswirth stated: No, there are defined hours currently at the location.

K. Clegg stated - Okay.

S. Mittlefehldt stated:

Great, well I think that's all for now. Thank you so much, and correspondence, I think that was it. We heard all the correspondence right, so at this time we can have some public testimony, if there's anyone here who would like to speak on behalf of this project please come up and there's three minutes. She then opened the public hearing. Nobody made comments on the proposal. S. Mittlefehldt closed the public hearing.

It was moved by C. Gottlieb, seconded by S. Lawry, and carried 8-0 to suspend the rules for discussion.

S. Lawry asked a question for staff: Are you able to, on the arial photos, show us where the Ellison house is in relation to the trail head?

A. Landers, showing the location on the map being shown on the three monitors on the room walls, said that they are located right here.

C. Gottlieb asked: 2914?

A. Landers said: 2914

S. Mittlefehldt said: So, actually pretty far away from development, right?

A. Landers stated:

And for clarification, after seeing their email that they sent me today, I looked and they never asked me for materials, so I sent out materials and I explained the materials, so I was able to at least provide them that the expansion is down at the site with the vault toilet and whatnot. I don't know what they were referring to of losing walking trails though, because in that neighborhood, those trails have always been open to everybody, it's just non-motorized trails in that neighborhood.

S. Mittlefehldt stated:

I had a question for staff as well, too, in the packet it talks about how Section 54.1003, in the Land Development Code talks about number of deciduous trees and ground cover, can you explain a little bit about what NTN would have to do to make that requirement?

A. Landers stated:

That's going to need a meeting with NTN. They have to call out, what they're going to call out as their interior parking lot and once they call that out and provide me the square footage, each area of that would determine how many trees. I won't know that until I know where they're going to decide to call it out to, because at a minimum of so much square footage in an area that you're calling out, it requires one tree per, so it's all going to be dependent on their design. That's why I said in my comments that we'll meet with them and discuss it with them.

S. Mittlefehldt said: Okay, so if we make a motion to approve with staff comment, that would be-

A. Landers said: That should be covered with that.

S. Mittlefehldt stated:

Great, well another thing we need to discuss as a Planning Commission is I guess in the packet it mentioned the potential for nuisance. Any additional noise, vibration, dust, fumes, or other nuisance that might affect the surrounding area. I don't see any nuisance issues and the results of this. In fact, it might reduce nuisances with the existing inadequate bathroom facilities. It might actually help address those but that is something we need to discuss. Anybody see any potential for a nuisance?

N. Williams said: I think if anything, it's bring order to this site.

S. Mittlefehldt said: Any other comments?

M. Rayner stated:

The lighting - is it downward facing so it wouldn't interfere? I don't know how close the closest house is.

D. Stensaas said: It's required to be downcast.

M. Rayner said: Okay, it's required.

D. Stensaas said: And some of these things are in your site plan standards that you need to go through.

M. Rayner said: I understand. So, I think the light was the only question I had.

C. Gottlieb said: In reality, the closest dwelling is at least a quarter mile away.

S. Mittlefehldt stated that the Planning Commission will now review the Special Land Use Standards in section 54.1403 of the Land Development Code.

The Planning Commission went through each item one at a time and found that the proposal was in harmony with all fourteen SLUP standards.

S. Lawry stated, regarding item 54.1403(C)(8):

I still have a bit of a concern with the pedestrian crosswalks, they're channeling people between parked cars, they're probably all scattered throughout the parking lot, going between parked cars at this point, so over existing conditions, it's an improvement.

S. Lawry stated, regarding item 54.1403(C)(13):

One thing, I guess, when we looked at the relationship to the correspondent's home, I guess we couldn't really see how the clearing done for the gas transmission main might have affected their view of this property, but it still didn't appear to be something that put them in close proximity and view-wise. Does anybody have any more information that?

K. Clegg stated: In my experience, they're around the corner. They don't have a direct sight-line, from their lot.

C. Gottlieb said: The SEMCO pipeline is closer to 553...I think they were four houses in off of the intersection, so they're far from the SEMCO pipeline as well.

S. Lawry said, regarding item 54.1403(C)(14): The Community Master Plan promotes sports tourism and has a goal to (inaudible).

S. Mittlefehldt stated: The NTN is highlighted in the Plan as a shining light of what we're hoping to do in the community, and this seems very much in harmony with that.

It was moved by K. Clegg, and seconded by C. Gottlieb, and carried 8-0 that after holding a public hearing and review of the site plan set dated September 5, 2023, with supplemental documentation and the Staff Report/Analysis for 05-SUP-10-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Land Intensive Recreation Use Standards in Section 54.641, and hereby approves 05-SUP-10-23 with the following conditions:

- 1. That an amended plan is submitted to meet staff comments.*
- 2. That the NTN has ownership of the Cleveland-Cliffs Iron Company property for which they are proposing work prior to construction.*

B. 06-SUP-10-23 – 616 Fisher St. (PIN: 0130101): Special Land Use Permit for a Supportive Housing Facility, Permanent and Transitional

A. Landers stated that staff have reviewed the Special Land Use permit for a Supportive Housing Facility, Permanent and Transitional located at 616 Fisher Street. She discussed and showed on wall monitors the attached Staff Report/Analysis for more specific information regarding the Special Land Use application, Site Plan Review application and attachments, and site plan. The Planning Commission should review the Special Land Use application, Site Plan Review application and site plan, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Supportive Housing Facility, Permanent and Transitional Standards in Section 54.647. She said there was no correspondence received for the proposal.

Emily Belinski said that she and Kim Frost are here to speak on behalf of Superior Connections Recovery Community Organization.

Ms. Belinski stated:

A brief overview, in June of 2021, the City Commission approved the rezoning of the property from medium density residential to mixed-use, for Conditional Rezoning. Since that time, Supportive Housing was added as a Special Land Use and is now allowed under Medium Density Residential zoning. We

probably fit that land use better than the one that we were in under the Conditional Rezoning, so we would like to...we are requesting a Special Land Use Permit to use that property for supportive housing.

Ms. Belinski stated:

We believe it does meet the standards of the Special Land Use review. We believe it is fitting with *medium density residential* as it's within the range of uses, including families of all types. *Use of adjacent lands* - it's surrounded by other MDR properties, a municipal property and there is a Mixed Use property in the vicinity. *Physical appearance* - is that of a house. *Landscaping* - there is consistent grass, concrete and fencing. *Operations of use* - it meets the allowable Special Land Use of supportive housing. Also, further is buffered by a road, an alley and empty lot that has a change in elevation and a sizeable back yard that abuts a wooded portion on the back end of the property on 7th Street. *Time of use and physical and economic relationship* - it's a residential house surrounded by other residential houses within your mixed-use property. *Number of persons or employees* - it houses 16 individuals and that is what the Fire Department determined was the occupancy. They typically have one staff on duty with other staff to make visits through the week, but it would be highly unusual to have more than four staff present at a time. Also, our residents generally do not own motor vehicles so [inaudible] traffic. For *vehicular and pedestrian circulation*, again, that typically there isn't much vehicular traffic as the residents don't generally own cars. Some of them do, but not very many. They do use sidewalks, but they're not generally doing so in large numbers. *Physical characteristics* - I've just referred to the site plan. Public services - I understand that the police captain provided some numbers as to visits and he did mention that it's been increased since the Benders were there. We are serving a slightly different population than the Benders served and overall these people being in housing versus being wherever they might be, in jail or homeless, our community is benefiting because these burdens are not overall increased, they're actually decreased. *Environmental factors* - the types and [inaudible] are in keeping with medium density residential property. And for *site area and potential future expansion areas*, I don't really have any notion of expanding it necessarily, but again it is buffered by a road and alley and an empty lot and our back yard. *Additional environmental factors*, it's similar use to what it has been for years, under the ownership of the Benders. As to the *Master Plan*, we think it does fit the Master Plan, it certainly does provide service or opportunities for people who can easily be excluded based on their different abilities and their economic status, as far as improving the quality of life to routine improvements in education, healthcare, civic engagement, employment, opportunities, arts and culture, recreation. We have community health workers that visit the house and they work with our people on exactly those quality of life factors. And then again, as far as improving [inaudible] economic status [inaudible] a tourist destination, I think it's safe to say that several of our residents would be experiencing homelessness if not for the Fisher Street house and I would not say that more homelessness would be a draw for tourists. Also, we did, I believe there was a communication with the Fire Department...with the Fire Chief and the Fire Marshal and it was a positive conversation, and do you want to speak to that, Kim?

Ms. Frost stated:

We met yesterday with Fire Inspector Fawcett as well as the Fire Chief and it was a super positive meeting with lots of support from them to help us continue the compliance and then also make the home safer for all of its residents, and we provided them a lot of documentation that we're going to use to document inspections and stuff within the home. And I think the only thing I wanted to highlight from what was submitted here was just where it was the Police Captain submitting the number of police visits, I think it's important to realize that the vast majority of those are actually general assistance calls, which means medical calls, and we do have medically fragile people that live there and those are the majority of the response calls that happen there.

S. Mittlefehldt said: Are there any comments, questions from the Commissioners while we have our applicants there? Anybody have any questions about logistics or anything that they submitted or just said?

Ms. Frost stated:

Is this inappropriate, because I want to ask if everyone understands what Fisher Street House is?

S. Mittlefehldt stated:

Well, actually my question was how can you, because in the packet it talked about in-home services that are provided there, like the assertive community treatment program as well as like the community health work program, and then there's also the person who's the on-site manager. So, I guess could you give us a sense of a couple of things. Number one, you mentioned the population served is different than it has historically, so if you could give us a narrative history of how that's changed over time, cause it sounds like there has been some issues and it's been sort of been serving this function like a transitional house.

Ms. Frost stated:

So the Benders operated it initially I think back in the 40s or 50s or whatever. It was truly operated as a boarding home for working men is my understanding and then over time became a boarding home for people who might struggle to live independently and such, and so does have some long-term residents, so I think you're going to hear from a couple who are here to speak to you, but we continue to have some, in a sense, permanent residents that reside in the home, but then we also have some people who we might consider more transitional, but it's not like they're coming in and out every month. We have to go through like the ultimate goal might be to often transition into different kind of housing but it's a long-term process. It might be repaying some debts to a former landlord through subsidized housing or it might be developing health plans that allow them to live more independently so we through the support of the assertive community treatment team, through our community health worker program, work really hard to provide supports to 16 humans who are super vulnerable. Many of them, in fact almost all of them, without Fisher Street will be literally homeless and residing on the streets because they do not meet the criteria to live in subsidized housing and because in addition there's no subsidized housing to be had. It's awful and many of these individuals do not meet the criteria, so it provides an incredibly important function and so we have the ACT team coming in. We have the community health worker program and then recently we were awarded a grant which is going to allow us to have a full-time program supervisor to work with the program to continue to develop it and improve the safety of it and improve the wellbeing for the gentlemen that live there.

S. Mittlefehldt said: Can you give us a sense of how much time will the onsite persons that are supposed to be there, be living there all the time?

Ms. Frost stated:

Yeah, so we have an onsite house manager, a gentleman who's also here tonight and he will talk to you. He's relatively new. We had another gentleman and he's working elsewhere now. So he lives there and then we have the community health workers that come in, sometimes several at one time, sometimes independently, all throughout the week, and then the assertive community treatment team which comes in Monday through Friday. And then this new position is going to allow us to have a program supervisor there full-time, so it will be 40 hours a week and I don't see that position being like necessarily Monday through Friday, 9 to 5. I think there's going to be some variability in that, so we have some evening coverage and stuff.

C. Gottlieb asked: There is not necessarily a 24/7 in-house employee?

Ms. Frost stated: There is, there is the onsite house manager, and he is there 24/7.

C. Gottlieb asked: Never leaves?

Ms. Belinski stated: He will be relieved by this 40 hour staffer.

Ms. Frost stated:

So what's going to happen is with the new program supervisor, I mean, when the vendors lived there, they left, too. They weren't always there. They went and took trips actually and went shopping and all that, but that person is there and then we're going to work to have a schedule where the program supervisors will offset each other and make sure that someone is available in the home.

S. Mittlefehldt stated:

Can you tell us a little bit more about, because we did get the memo from the Fire Marshal and as you mentioned several things were out of compliance, everything from smoke alarms and fire extinguishers, the onsite manager wasn't there, the house was not cleaned. We had a whole list of all these things, so it sounds like you talked to them and got things straightened, so is there a plan to make sure that compliance is achieved for some of the safety issues.

Ms. Frost stated:

Yeah, we had, like I said, a really good meeting, and so a lot of those concerns were addressed and some other stuff. It was right during a period of time where there was a transition between the old manager and the new manager. The old manager had left for work. The new manager came and literally was there, the inspection was around 7 [a.m.] and he got there at 8:30 so it was just like that time period. But, we have a very solid plan with them and like I said, Emily drew up inspection, daily, weekly and monthly inspection charts so that we'll be checking per the Fire Marshal's recommendations for smoke detectors, fire extinguishers, etc.

S. Mittlefehldt said: And that would be the onsite manager?

Ms. Frost said: And the program supervisor, yes.

S. Lawry stated:

I think one of your responses to zoning indicated there was going to be a maintenance plan that was submitted for the property, but it wasn't in our packet. I guess I'm just wondering where that is.

Ms. Belinski stated: I didn't submit it, but I do have it.

A. Landers stated: Is that in the narrative?

S. Lawry stated: I believe so.

A. Landers stated: Yeah, so it was in the packet, that was their maintenance plan right after, it was page three.

S. Mittlefehldt stated: The Fire Marshal also mentioned in the comments maybe having a county signal with the plans. I guess this question is for staff, did the county get a chance to look at the plan?

D. Stensaas stated: Well, the county will, as with any project that gets approved for any kind of zoning compliance, when they move on to get a building permit. We've over the years counseled, well, Ryan Redmond in the past, and I think him and their legal counsel, that they should speak with the County Building Codes. This is I think could possibly be a change of use in the county's scheme of things, so the county has some uses that are more residential, some are more commercial. This use might be different, might trigger them to do other fire protection things that our fire department doesn't require. Sometimes the county requires a building be fully sprinklered, whereas our code, the "Life Safety Code" that the City has in its City Code does not require that. So we've counseled that they talked to county building codes and that's all we can do.

S. Mittlefehldt stated: Okay, but the county, their decision would pre-empt our decision, right [inaudible]?

D. Stensaas stated: No.

S. Lawry asked: You said the 16 residents, that it was based on the fire department's determined capacity, do you anticipate that you will keep pretty close to that number?

Ms. Belinski stated: I anticipate that given the housing crisis, we'll stay at 16. Clearly we would not go over if it would violate the fire code but yeah, I anticipate that based on the housing market and housing

crisis that we will stay at or near 16. We sometimes drop down a little bit if someone transitions out but generally we stay, well, at close to 16.

C. Gottlieb stated: It would be 15 plus the resident manager, so it would be 15 plus 1.

Ms. Belinski stated: Correct.

S. Lawry asked: Is it strictly male?

Ms. Belinski said: Yes.

S. Mittlefehldt opened the public hearing.

Amy Hale, of 53 Forrest Park Drive, Marquette, stated:

I work for Pathways and a lot of this is going to be redundant, what was already said, Pathways has been coming into this home - my one co-worker has been there for almost 30 years and Pathways has been coming into that home before he was hired. We go in there Monday through Friday. We prompt meds. We support individuals to doctor's appointments, other [inaudible] care, shopping, community supports. Most of the folks that we see there have a serious persistent mental illness, such as schizophrenia, schizoaffective disorder, we also have our trained psychiatrist. Some of the folks that just cannot leave for various reasons. Our trained psychiatrist from our program will actually go into the home, provide treatment in the home at the Fisher Street. It's been my experience when we've had to place individuals there at the Fisher Street home, they come from either a really bad place, they're getting kicked out of their apartment, and they thrive at Fisher Street. There's the supports, there's the other individuals that necessarily would not talk to them if they lived in their own apartment, so it's always really neat to see how they thrive in that setting. It's been my experience that if it wasn't for the Fisher Street, some of our individuals actually would become homeless, just as we know there's nowhere else in the community for them to go. Some that live there don't want to go anywhere else and I think that's a fantastic thing to consider, that this is their home. Some that live there would like to go elsewhere, they just don't have the resources, the support, background checks, all of that, they would not pass. So, the Fisher Street provides that home as well. And I just also want to say that I just came back from a three week deployment from the American Red Cross providing disaster mental health from Hurricane Idalia. When the shelters were closing there, and there were individuals that had nowhere else to go, we were expected to provide them resiliency kits. Those resiliency kits consisted of a tarp, a tent, and a sleeping bag, and that was inside a wagon, and that's how we had to have them leave the shelter. If Fisher Street were to close, we would be in that same boat, watching those that have lived there for many years be asked to leave. This decision would be devastating for those individuals that use their home of many years. It would also be devastating for their families. As mentioned before, they're already contributing to the homeless concerns. I don't think we need to go down that road. The individuals that live at the Fisher Street home deserve more than a resiliency kit. They deserve a place to call home and that's what we have at Fisher Street. Thank you.

Cindy Lack, of 124 E. Magnetic St., stated:

I am a retired physician, retired almost two years now, and I previously, before I retired, worked at the homeless shelter for a while, so I haven't done it for a few years but speaking from that experience and also from just a health standpoint, we don't need less of this, we need more of these kind of places because these are the people that don't fit in anywhere else. I mean, our whole system of taking care of mentally ill people has changed and it's not been great, the results have not been great. We used to think institutions were bad places, but the other part of working with the homeless is that I've worked with Kim and we've tried to get an apartment for these people and they don't do well. They don't do well. We've done visits and found them deceased. That's how bad they do. And so, they need each other and they need support. They need support of this community and we can't just kick it down the road. That's what we always do, and it doesn't go anyplace better, it only gets worse. So, let's see, I totally agree with what the woman just spoke about, all the benefits of being in this type of environment and it's potentially the perfect spot. It's kind of isolated. There's not a lot of people that might be afraid of these people, because that is definitely a reaction to mentally, and I actually don't, I haven't been recently, but they've

been up there for a reason. They don't fit in society, and so I think as I consider myself a Christian, our job is to take care of these people, not to try to break up what we do have. I mean, it's precious little that we already have and so to have less of that to me is, I would actually call it immoral. I don't mean to be judgmental, but I just think that these people don't have any power. We are their power. They don't have- they have nothing to give us except themselves and most of us stay with them because they give us a lot. They keep us humble. They keep us with gratitude for what we do have and I really don't mean to be judgmental, but I think that they just always get the short end of the stick. This is an opportunity to not do that, so thank you.

Pauline Duren [sp.?], of 580 Cox Ave., Apt. 215, in Marquette, stated:

This is my son Todd. 30 years now, he's been living in this home. There have been several changes during those years, including change of caretakers. I have gone to several home meetings and what I have experienced was a group of residents sharing their thoughts and concerns with their new caretakers as well as for the caretakers listening and addressing their concerns. They are also creating incentives to give the residents a purpose and a meaning, leaving the residents with a feeling of self-worth, which we all need to feel. With that being said, they are one big family, helping each other out, living under the same roof.

Stephanie Bryan, stated:

I'm a case manager for the community (inaudible) program at Superior Connections. I've had the privilege of working with many individuals by including most of the gentleman who resides currently at 616 Fisher. I have worked with most of them in one capacity or another and I've even gotten to know them and their families oftentimes. The men at 616 Fisher are individuals with varying combinations of mental illness, cognitive impairments, physical disabilities and/or substance use disorder. Many of them have criminal backgrounds due to their mental illness, traumas or other variables, and while with all that considered it may seem like the house would be full of chaos, outbursts, mischief - that is just not the case. To deny there are any interpersonal conflicts here and there would be silly, as is the case anywhere, much less when you refer to communal living situations and then mental illness and what have you, but it's just not the case. It's actually really well functioning. When there are struggles within the house, the residents have our phone numbers and access to us as well as, of course, the live-in house manager, so we are all able to help them overcome the moment using guidance and support from trained and compassionate staff. The majority of the days and nights at 616 Fisher are full of laughter, comradery, helpfulness, storytelling, regular house duties and just the normal day to day back and forth of any other household. The residents have created a culture that, like Todd's mother said, really resembles family for many of them. Furthermore, many of these men have lived there for a long time, including Todd, and as you can see, he loves it. For many of the house residents, the reality is if not for Fisher, they would truly have nowhere to go. Not only are we in a housing crisis and the shelters are often at capacity, but these gentlemen have unique barriers, in addition to the costs and lack of availability, so to think that 16 of our community highest, most acute individuals would suddenly be able to access housing is just unlikely. I've been around for over two years and I want to validate I certainly have seen areas that we could improve on regarding the house, but what I've noticed is that most of those deficits were a reflection of our lack of funding and the staff. It was not a reflection of a lack of efficacy or a necessity of the home to exist in the first place. Without this home, like I said, they would be displaced and that is just not a viable solution. I've seen the organization work tirelessly and often at all hours, certainly that's the case for me, to improve the functionality of the house. I have seen a dramatic decrease in incidences, police involvement and overall crises in the last year particularly. And now after Fisher House went unfunded for so long, we have finally received funding for our program supervisor to really just take the bull by the horns, hear your guys concerns, our concerns, and really get this thing on track the way we want it to be, even though it's already really great. We would be able to provide that focused oversight, similarly as we do to our Baraga [Ave.] recovery house that's well received, well respected, and in trust by the same city. In addition to a live-in house manager, like I said, there is nearly daily stops by many of our staff. All our residents are connected with one resource or another, many engaged in the community health work program, peer-recovery coaching and other outside services. As Amy stated, ACT team at Pathways comes into the house Monday through Friday. The Health Department nurses actually come in each Wednesday to perform COVID testing. There are some of our residents, home healthcare nurses that also come on a regular basis, along with their family and friends. While Fisher House is not without flaws,

like any other home or facility, the progress that has been made is a monumental, especially with no funding, and the future looks really, really bright. The community would be making a grave mistake to take away an incredibly vital and unique housing solution. Many other agencies or organizations lean on us consistently to house their clients such as Pathways, Room at the Inn, Janzen House, and more. We have become a sought-after location for many due to our genuine care and commitment to those we serve. I ask you to please know that we are willing to continue to rise to the occasion and are always striving to be better, but removal is not the answer. Support and trust building is the answer and we are ready to begin forging that positive relationship with the city so we can work together to serve our community's most vulnerable and help ameliorate homelessness. These gentlemen deserve as much. Thank you so much.

Steve Miller, of 616 Fisher St., stated:

Fisher House saved my life. I was sleeping in a snowbank. I went to the hospital for a month. Stephanie found me and took me to Fisher House. I now go to the doctor, I get medicine, social security, I've got my license, I drive, I've got CDs, I got movies. I stay to myself. I've got my friends. We've got a TV in the garage, and a stereo. Three meals during the day, we chip in for groceries and Fisher House buys groceries also. There's not a night we go to bed hungry. If you close Fisher House, just barely, because I have no place to go. I lived in Negaunee. I lost my apartment and I wanted to die. And Fisher House found me. Thank you.

Jonathan Hendricks, of 616 Fisher St., stated :

I also live at the Fisher Street. I just want to say, I've only been there for a little while, but I like the people that live there. They welcomed me, they help me out. There's an older gentleman that lives there that I worry about every day, he has nowhere to go, I know that. Sometimes I help him walk around the house or get things for him, like water and food. Like Steve was saying, we have food available to us all day. We usually have pretty good, decent dinners every night. Like I would have nowhere to go. Before I was in Fisher House I was sleeping in the churches and the rotating shelters. I'm diabetic. It was really affecting my diabetes, and I probably wouldn't have made it very far because I'd probably end up dying if I didn't have the proper meds and stuff [inaudible]. Thank you.

Dennis Vandenburg, of 616 Fisher St., stated:

I live at 616 Fisher, I'm the house manager. I've been there for about a month and I just want to say how privileged I feel to be part of this. The guys that I've met there, it's just such an important place for these men, and I think you've heard it from everybody, so thank you.

It was moved by C. Gottlieb, seconded by D. Fetter, and carried 8-0 to suspend the rules for discussion.

C. Gottlieb said: I have a technical question. I just want to make sure I understand what's going on. This is being brought up today because of the Special Land Use. Why is it being brought up today? What is it coming from and where is it heading.

D. Stensaas stated:

I'll take some of those questions. This is a really complicated property use case because when the Benders decided to first turn this over to the organization prior to this - Superior Connections - we didn't have this category of transitional housing or assistive housing facility. We created that because we recognized that there is the need for this in the community, these kinds of facilities. And in the world that we work in here, we have to have specific land uses that are targeted for things like this. There wasn't one when that happened three or four years ago, so basically we accommodated the nearest possible existing land use at the time and that required the property to be rezoned, and we went through this process where the City Commissioner agreed to a Conditional Rezoning of the property with limited use for this to be turned a *Health Facility*. The applicants did not meet all the requirements that were conditions of approval, including having an approved site plan, and in the meantime we created this definition and use standards for this type of facility, specific to this type of facility. So as we came to the deadline for this group to meet the original conditions of the original approval, that time was running out and the City Attorney and I agreed that the use that was originally approved didn't really match up

anymore, because we kind of superseded what was originally approved with now a thing that really legally exists for this type of use, which is what they're applying for as a Special Land Use.

A. Landers stated:

So, the Rezoning with Conditions expired and now they are back to Medium Density Residential, which allows for this as a Special Land Use.

S. Mittlefehldt stated:

So just to clarify, functionally it's been serving this function in the past, so we're just making-

D. Stensaas [interposing] stated: Making it legal.

A. Landers stated:

Yes, it's never been approved for such use. It was only approved for everyone else and that was only approved to be the 2nd floor, like the benders living below. So, this is a completely new use but they have been [inaudible 01:03:02].

C. Gottlieb said: So there is no change in functionality between what has been reality.

A. Landers stated: For a couple of years.

D. Stensaas stated: Right, it was just legally untenable to continue down that road.

C. Gottlieb said: Thank you for the clarification. I appreciate that. Thanks very much.

S. Lawry asked staff:

How does this facility differ from the several facilities in the community that are run by community mental health?

D. Stensaas stated:

Well, this facility, as its defined, is for supportive housing. It's not a shelter for short-term, it's not a crisis shelter like our warming center, Room at the Inn, and it's not necessarily something that is for people that have other resources. This is basically somewhere where people that don't have resources, don't have shelter can stay for either short-term or long-term, depending on what's approved, and our definition allows them to be either, depending on what they want to be, how they want to manage it. If they want it to be short-term, that's their choice but it can be a long-term home for people like the, the Janzen House, if we reclassified the Janzen House, it would be the same thing really.

S. Lawry asked: I thought the Janzen House had a time limit on staying there?

D. Stensaas stated: I'm not aware of what their rules are down there, but they've pretty much been operating for 30-something years under the same rules.

S. Lawry stated:

Okay, but I guess what I'm trying to understand is if the government through Community Mental Health operates a number of different facilities, if it will be private homes in the community where they're providing assistance, how does that differ from these people who can't get that type of living arrangement?

D. Stensaas stated: Maybe the applicants can help answer that question.

Amy Hale said:

I think that's a great question. Back in the way past probably when Benders was here, Pathways did have other homes that represented Benders, called the Crescent Home and maybe another home, but since after my time being at Pathways we have no such homes anymore. What Pathways does is Pathways will contract out to ALS (adult learning systems), the human health services, those are...adult

foster homes, and Pathways will contract out with such homes, but Pathways does not have- Community Mental Health does not have, anything like the Janzen, Fisher Street Recovery Home, the Warming Center, that's not what Pathways has right now. I don't know if that answers your question or not.

S. Lawry asked Ms. Hale: What are the two homes on Wright Street?

Amy Hale stated:

Wright Street, I want to say one is owned by ALS and I don't know if the other one is or if that's from Bay Human, so Pathways has nothing like what Fisher Street has.

A. Landers said: And you said the words adult foster care, right?

Amy Hale said: Yes, those homes are for adult foster care.

A. Landers said: And that's a separate use in our code.

S. Lawry asked Ms. Hale: So those people need long-term and more concentrated care than what your...

Ms. Hale [interposing] stated:

Correct, those are what we would classify as specialized residential homes. Those are provided 24/7 staff by para pros that have been trained, usually two staff at a time. They have severe behavior problems. They could have a severe mental illness where they would not be able to live in a place like the Janzen or the Fisher Street home. We've actually taken people out of the Fisher Street home due to their behaviors and Pathways had a contract with AOC [?] that is actually downstate for some of our folks as they would not be able to make it in the Fisher Street home, so its kind of a step down from an ALS, Bay Human, other specialized residential homes.

Ms. Belinski stated:

I can also answer that. Until a few weeks ago I was the Assistant Director of the Janzen House, and there's not a time limit there either.

W. Premeau stated:

I'm confused on this...but this is being sold, correct? They must have rented it previously?

Ms. Belinski said yes to both questions.

W. Premeau stated:

Before, they could have been after the owner, now they'd have to go after her [indicating one of the applicant speakers], correct, unless she's not the owner.

Ms. Belinski stated:

It is currently owned by John and Teena Bender, and we have a contract with them, and pending this decision tonight – if it goes through – we will be able to obtain the financing to be able to purchase it from them.

S. Mittlefehldt said: Thank you, that's helpful. Any other questions before we dive into the Code? She then began to lead the Planning Commission review of the Special Land Use Permit (SLUP) standards in section 54.1403 of the Land Development Code.

The Planning Commission went through each item one at a time and found that the proposal was in harmony with all fourteen SLUP standards. Specific questions and notable comments on the fourteen SLUP standards follow.

C. Gottlieb said, in summary to discussion on item 54.1403(C)(5):

My comment would be that we wouldn't anticipate an increase in use over the past two years.

N. Williams stated, in regard to item 54.1403(C)(6): It's residential 24 hours per day, as houses are.

N. Williams stated, in regard to item 54.1403(C)(11): One item for the previous case, Public Services, there were attachments from the Police Department and Fire Department, but for comments for *this* particular case they have none.

It was moved by S. Lawry, and seconded by M. Rayner, and carried 8-0 that after holding a public hearing and review of the site plan set dated September 5, 2023, with supplemental documentation and the Staff Report/Analysis for 06-SUP-10-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Supportive Housing Facility, Permanent and Transitional Standards in Section 54.647, and hereby approves 06-SUP-10-23 with the following conditions:

- 1. That an amended plan is submitted to meet staff comments.*
- 2. Fire Department provides follow-up inspections to assure that the health and safety requirements that they recently cited are being addressed.*

The Planning Commission took a 5-minute recess.

C. 02-REZ-10-23 – 1025 Osprey Ct. (PIN: 0514370): Requesting to rezone the property located at 1025 Osprey Court which is zoned Planned Unit Development (PUD) to be zoned Multiple Family Residential (MFR)

D. Stensaas stated these two cases on rezoning came up because these PUDs have expired, and so we're going through this process, which is fairly perfunctory, to rezone the property. I'll just read what the memo says and then I'll add a little. So, City staff is initiating this and we're requesting the Planning Commission first to make recommendations, and the right to develop the property per the site plans, starting with Hawks Ridge, is being terminated due to non-completion of article 54.316 of the City's Land Development Code, which is up on the screen, that says "Within a period of two years following approval of the PUD agreement by the City Commission for an area embraced within a PUD, if such plats or plans have not been submitted within a two year period, the right to develop on the approved plans shall be terminated by the City. Upon the developer showing a good cause, the Planning Commission can recommend, and the City Commission can grant, an extension of up to two years for submission of the preliminary plat or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan in accordance with Section 54.1405 and the Master Plan."

He stated:

The Hawk's Ridge property is shown in the Community Master Plan, on the *Future Land Use Map*, that's for land use - not zoning, as Multiple Family Residential. So, that's the recommendation here because that's one option. The other option is to rezone the property to the previous zoning classification, which at this point is kind of irrelevant. We've adopted a new Code in 2019, and this particular project - as we have documented in our staff report that I'll go through, was approved initially in 2003, went through a lot of different amendments and different situations that changed the outcome of the property. In the most recent era - the last five years - the County Land Bank, which is sort of an arm of the County's Assessing office, they decided that to get this property - in the middle of the development - back on the tax rolls, they wanted to separate it from the rest of the PUD and they went through the legal process of acquiring all the signatures from residents to extract it from the PUD, and then applied for land division, got the land division and so we have a parcel at 1025 Osprey Court, which is in the middle of the former Hawk's Ridge PUD. And they almost had a buyer for this property in the last couple of months that backed out, even though the zoning was not accurate anymore, and that's one of the reasons that this came up, because we realized it was for sale and it was going to possibly sell soon. If we have a developer that wanted to develop this property, if that developer was expecting that they could buy the property and apply for a permit to develop something there, they would have been in a situation where we'd have to go through this first, this process before they could do anything, and so this is sort of a mandated process by the

code, and I'm just going to go back over to the map. This is the online document viewer for the Land Development Code which everybody can find at the bottom of the City's home page. It says Land Development Code, and you click on it and go to these different sections of the Code, but I'm just going to scroll down here to show everybody Section 323, PUD, plan to develop H, and section I - final approval. It says what that process is, that the City requires an agreement with the developer, the applicant can terminate the development, and then it gets to the expiration part of it. So, this is a situation where it says the city shall terminate the contract. There is really not an option to do otherwise, that's the process and this is a legal document. This is not the pirate code or something else, this is what you have to do.

So, we did put together this staff report though as if this was a typical rezoning case. We wanted to provide you all the information about it and for the public to understand what the information we have on the site is. Again, this is the zoning map, the parcel is outlined in blue here and is shown here on the future land use map, which is multi-family residential for that parcel, and that goes back to 2015 when the City rewrote the Master Plan, the last time it was fully revised, and there's a site map showing the utilities in the development area.

That parcel, just for everybody's information, does have utility easements for all the utilities. They are public utilities. They are not private. The road is a private road so any development in the future will have to consider the owners of the PUDs interest in the road. They won't have carte blanche ability to do whatever they want on the road; they'll have to negotiate. And this is from 2021 [showing a sketch], when the county was going to apply for a project here to do, the county itself was going to build with the help of the state. They were going to get a grant to build a pre-fab housing facility there.

A. Landers said: There are two duplexes [in the sketch D. Stensaas showed].

D. Stensaas stated:

Yeah, and they submitted this to us but it never came to the Planning Commission. It fell hard before they even got it to the Planning Commission, but they submitted this map which kind of shows their concept for a development up there and I wanted to show you this with the approximate lines of the parcel outlined there, for what could be developed in the future, I think what the residents of the area could expect to see. I mean, this is certainly possible. Multi-family of course can be a lot of different things, but this is probably about as dense a facility as you could put on a lot and that's what a developer would probably want to do to maximize their investment. So, I just thought I'd throw that in there. And we notified the Director of County Land Bank that we were going through this process, and the neighbors were notified of course, as a typical rezoning process. We lost a lot of digital data that we had for some projects when we had a data breach at the city about 10 years ago, and we lost the original site plans that were submitted for this project, the digital site plans. This was one of the only things that remained that shows the original intent for the PUD [showing a black and white sketch], it seems to be kind of pre-development submittal for the site plan, for the project. So like I said, it did change quite a bit with amendments over the years, but that is what it was supposed to look like in the beginning.

S. Mittlefehldt stated:

Okay, and so since this is coming from city staff, kind of making things right, we don't have an applicant per se. I know you did send notice. Do we have any correspondence to hear from on this topic?

D. Stensaas stated: No.

S. Mittlefehldt stated:

Okay, moving on to public testimony, is there anyone here who would like to come up and provide comment on the potential zoning of this property? Nobody? Then moving onto Commission discussion. We need a motion to suspend the rules for discussing.

It was moved by M. Rayner, seconded by K. Clegg, and carried 8-0 to suspend the rules for discussion.

M. Rayner stated:

It would just bring it into play with the Master Plan for land use, correct, if I'm understanding this correctly?

D. Stensaas stated:

Right, the future land use map shows Multi-family Residential as the recommended land use for the property.

N. Williams stated:

So, reading Commissioner Bonsall's comments from the time when this case before them in 2021, it sounds like they waived a 2-acre minimum for a PUD.

A. Landers stated:

That was for the County. The thing [sketch] that Dave showed you was actually the last approval that went up, and that isn't the county one. That is the one that we're expiring. The County never finished going through the process. They only went to the Planning Commission for PUD Concept approval, and they only went to the City Commission for a waiver. They never came back because that whole deal fell through. So, that never got rezoned under their PUD, so it's still under the Hawk's Ridge PUD, it's still showing that this would have been a mirror of the multiple family apartment building, or condo building that that was proposed for this last phase, but then they never did it.

N. Williams stated: Got it, and then second, is the Land Bank authority still the owner right now?

A. Landers stated: Currently [yes], but this property is for sale.

W. Premeau stated:

If you look at the topography there, there's very little buildable land there. That drops off in the back straight down so they're limited unless they build a wall like the hotel is doing maybe.

A. Landers stated:

We do have a steep slope ordinance that they would have to follow in the Code for anything in that area that you're referring to, they have to meet all those requirements.

S. Lawry stated:

Regarding that, the drawing up there right now shows a 20 ft. overhang on the building, so there would be 20 ft. of building to be at ground level, or below ground level on the [inaudible]. And I'd like to thank Dave for researching and getting some answers on the utilities. I stopped into his office yesterday to try to get some answers on that. Thank you.

A. Landers stated:

Did you mentioned the access to the site, the new property owner for anyone wanting to develop would have to get approval from the HOAs?

D. Stensaas stated:

Yeah, so this road is privately owned and maintained and so that would be a task that the new buyer would have to contend with, getting permission to use the road, not just to maintain it but for access to, and it's a site that is definitely buildable and usable and hopefully something compatible will be propose there, but it's going to have to come with some negotiation with the Homeowners' Associations.

S. Mittlefehldt asked: Dave, do we need to go through the standards of review for amendments one by one that are in the packet?

D. Stensaas stated: No, I don't really think it's necessary as long as you guys reviewed it and didn't find any issues with it, because this is pretty clear. The Code says this shall be terminated and rezoned.

S. Mittlefehldt stated: Okay, if we don't have to do it and long as everyone is good with this does anyone want to make a motion?

C. Gottlieb stated: I'll make a motion.

It was moved by C. Gottlieb, and seconded by K. Clegg, and carried 8-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(l)(6), and that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission approve 02-REZ-05-22 as presented. Approval will change the zoning district to Multiple Family Residential (MFR).

D. 03-REZ-10-23 – 905 Lakeshore Blvd. (PIN: 0370190): Requesting to rezone the property located at 905 Lakeshore Blvd. which is zoned Planned Unit Development (PUD) to be zoned Mixed-Use (M-U).

D. Stensaas stated this is exactly the same situation as the last report. So, 905 Lakeshore Blvd., this is the zoning map. It is just north of Crescent Street so the parcel is on, the south part of the parcel fronts Crescent Street and then meets Lakeshore Blvd. and this parcel was approved for a PUD in 2012, Lakeshore Cottage's PUD. The Future Land Use Map shows this as Mixed-Use and of course when this map was adopted in the Community Master Plan, Mixed Use was still a concept zoning district. We didn't have any and so all of these Mixed-Use districts were approved with the Land Development Code and became Mixed Use zoning district. No matter what they were before, they now are Mixed Use for the most part, and so in this case that's really fortunate because the property owner/developer, if they want to continue with, or pick this up again, and they want to build this project, they can pretty much build this almost exactly as it was presented in the PUD without having to go through the rest of the PUD process. They would start with an application for Site Plan Review and because Mixed-Use is very flexible and the actual dimensional requirements of the Mixed Use district are very liberal for development as opposed to Multi-Family, there's a lot of building separation requirement that doesn't apply in the Mixed-Use district. So, in this case, the developer is the owner, still the same property owner, is not really losing out in the way I see it anyway.

A. Landers stated: And as it is, if they wanted to keep it PUD they'd have to start over the whole process again.

S. Mittlefehldt asked: So Mixed-Use would actually be easier for them to achieve the goal?

D. Stensaas stated: It would be very easy. That wasn't an option of course when they applied for this in 2012. The zoning was a different zoning district and they couldn't do that. So, this is exactly the same situation, the property owner is here and I've talked with her and her husband and notified their neighbors, the same stuff as the last project.

S. Mittlefehldt stated: Okay, so there's no official applicants since this is coming from the City, right?

D. Stensaas stated: Right. I should say add to that that this letter in here [showing letter on screen], the property owner did apply for an extension when they were faced with the expiration and so this was approved in 2017, but that extension expired in 2019. So, they have taken advantage of that part of the Code. Their ability to extend approval.

S. Mittlefehldt stated: Okay, and no correspondence on this?

D. Stensaas stated: No.

S. Mittlefehldt opened the public hearing.

Christine Zenti-Emmendorfer, of 900 Lakeshore Boulevard, stated:

I'm the property owner and we've applied for it twice, went through this process. We had a little issue in 2008, well actually a big issue, and then applied again. So, we've gone through this PUD twice and I'm really grateful if you guys go along with this recommendation, then I wouldn't have to go through the PUD again. It's a tedious and I know there's a cost too, so I just want to say I'm grateful and I feel fortunate at this point if this passes. Thank you.

S. Mittlefehldt stated: Do you still have plans to do...

Ms. Zenti-Emmendorfer [interposing], stated:

Well, we have a wonderful plan, for like vintage homes, a beautiful plan I think, but there's just situations that we are not able to proceed right now. I'm happy that we maybe can in the future. I think it would be delightful little kind of neighborhood thing, picket fences, an arbor going into each one, big porches, parking in the back, and making them look like they were built in the early 1900s, the brick-a-brack and that kind of stuff. So, I don't know if it'll ever happen in my lifetime. I'm getting older here but I have some children that might, but thank you. I think I'd said enough.

It was moved by M. Rayner, seconded by K. Clegg, and carried 8-0 to suspend the rules for discussion.

K. Clegg stated:

This seems pretty cut and dry, same as the previous one before. We're leaning into the Future Land Use Map, the property owner is in favor, no correspondence in a negative tone.

S. Mittlefehldt stated: Any other thoughts?

S. Mittlefehldt stated:

I don't know how many of us were on the Planning Commission when we saw a proposal for a hotel just north of this site, but for those who were on the Planning Commission you remember that people were pretty adamant they didn't want a hotel built in this area. So I agree that the intent of making this Mixed Use is great and all the permitted principle uses of Mixed Use I think would be great at that site, but some of the Special Land Uses, and specifically the hotel, because that was a big issue that came up very close to this area - not that the current land owner wants to build a hotel there - but if it gets sold some day and it's available to make use, that would be a potential thing that they could do there, so I'm just wondering do we have any authority to say yes, zone it to Mixed Use, but then put-

A. Landers stated [interposing]:

The city cannot do Conditional Rezoning themselves. So, we can't bring forth the same, it has to be brought by an applicant for Conditional Rezoning, but the Planning Commission, for a hotel as applied for before, will always have those Special Land Use requirements and standards to go through that you guys just did for the other two cases.

S. Mittlefehldt stated:

Sure and Mixed Use, we looked at it recently, it does emphasize residential use, local services, as kind of the priority, and then the commercial applications as secondary to the residential, so as long as...we're clear about what a Mixed Use district is, at least how it's defined in our Code, I think I'm comfortable with it. But, several of us around here, we remember the hotel [application]...and I think a lot of us would agree that it's not maybe a great location for a four story hotel, so just wondering how we move forward with permitting this to make it able to do small scale development, residential, but not commercial hotels.

D. Stensaas stated:

We had a meeting with Russ Soyering from Beckett & Raeder today about land use and zoning. He wanted to go through what we've done with zoning compared to what was in the Master Plan's recommendations, the *zoning plan* is still out there, and this is going to come back around. The consultants have not developed that part of the Code where they're recommending changes to zoning and land use. So, you guys still have the ability to say to them, how about on Lakeshore Blvd. we create a second, this is something we've talked to staff before about is the possibility of having a different Mixed Use district for a Scenic Corridor. So if you want to go there and say there's a different set of standards for this part of the city, for Mixed Uses, that they don't include hotels.

S. Mittlefehldt stated:

That would be fantastic, and that's what I had in my notes is, I know it is designed as a scenic corridor. So, a hotel is the most obvious one, but are some of those other Special Land Uses maybe also not appropriate for scenic corridors... but maybe that's a different conversation that would address that.

A. Landers said:

Yeah, because right now legally we can't make that change. The City itself can't do conditional rezoning.

C. Gottlieb said:

This is an academic question and I'm sorry it's an academic question at this hour, but what happens if we don't pass this?

A. Landers said:

Then you have an expired PUD that they can't do anything with.

D. Stensaas said:

You're making a recommendation to the City Commission, so this is going to go to the City Commission and they have the final say in rezonings. The legislative body has the final say on changing laws, and the zoning map is considered a law in itself, so they'll make the final decision on this.

C. Gottlieb said: So this is a perfunctory exercise.

D. Stensaas said:

This is kind of rare - we do have some rezoning cases that are pretty much a slam dunk - but sometimes that's not the case and the Planning Commission really has a lot of work to do, and their recommendation is very important to the City Commission.

C. Gottlieb said: I don't see a problem with this one. I'm wondering why we are voting on this.

D. Stensaas stated: Because it's the process, you guys have to make a recommendation on rezoning, because you're the advisory body on zoning matters.

M. Rayner said: But this keeps us from a spot zoning situation, too, in that this piece of property then would be contiguous with the other pieces north of it.

K. Clegg said:

I think it should also be noted that we already have, like with the previous case, I wasn't on the Commission at the time, but those same backstops that allowed the Commission to deny the previous hotel exist, and we need to trust the Code and the things that we have.

S. Mitlefehldt stated:

Also, for developers, if a developer wanted to put in a hotel at the site, they would see it in the codes, but if there was a secondary designation then they would know it's not worth your time and effort to go through a public hearing process. That's why I'm liking the Scenic Corridor overlay district or additional requirements for Mixed Use areas or something.

D. Stensaas said he will relay that to Russ Soyryng tomorrow and send him the meeting minutes.

K. Clegg stated I'll make the motion.

It was moved by K. Clegg, and seconded by S. Lawry, and carried 8-0 that after conducting a public hearing and review of the application and Staff Report for 03-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(1)(6), and that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission approve 03-REZ-05-22 as presented. Approval will change the zoning district to Mixed-Use.

TRAINING

A. Quick Bites – Music Planning

The Planning Commission and staff briefly discussed the article. D. Stensaas stated that he emailed it to the City's Director of the Arts and Culture office, and she said that she's like the same type of proposal done for theater, art galleries, and other arts. D. Stensaas said that these are things that fit into the Arts and Culture Master Plan and are things that the Arts and Culture Advisory Committee would ideally be able to coordinate, but that they definitely fit into the broad range of community development activities.

COMMISSION AND STAFF COMMENTS

K. Clegg stated:

I'd just like to say I'm glad that we were able to approve the Fisher Street home and serve the potentially homeless population and allow people to have some equity and maintain their dignity in the city while still working together to have a community home.

A. Landers said that there was nothing submitted for the Planning Commission meeting set for 10/17.

D. Stensaas said that if there are no objections he would cancel the 10/17 meeting, as there is not really any need to hold a work session. No objections were stated.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 8:15 p.m.

Prepared by: kw/iMedat

Edited by D.Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison