

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720
PLANNING COMMISSION PUBLIC MEETING AGENDA

MONDAY, DECEMBER 13, 2021 AT 6:00 PM in the Council Chambers, City Hall

- A. Call to Order/Pledge of Allegiance
- B. Roll Call
- C. Inquiry into Potential Conflicts of Interest
- D. Approval of Agenda
- E. Approval of the Minutes
 - 1. November 8 Meeting Minutes
 - 2. November 22 Work Session Minutes
 - 3. November 22 Special Meeting Minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Public Hearing: 803 State Street SPLU Proposal
 - 2. Pine River Channel Northside Planting Donation
 - 3. 1002 May Street Project Proposal
 - 4. ADU Standards: Draft ADU Ordinance
- H. Old Business
 - 1. Master Plan Update: Goals and Objectives
- I. Staff Updates
- J. Requests For Next Months Agenda or Research Items
- K. Adjournment by 8:00 p.m. unless extended by a motion

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks' notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

CITY OF CHARLEVOIX

Approval of the Minutes

TO: Planning Commission

FROM: Jennifer Neal, Planner

SUBJECT: November 8 Meeting Minutes

DATE: December 13, 2021

BACKGROUND

The draft minutes from the November 8, 2021 Planning Commission meeting are included for your review and approval.

ATTACHMENTS:

- ▣ November 8, 2021 Draft Minutes

**CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS, CITY HALL, 210 STATE STREET
Monday, November 8, 2021 - 6:00 p.m.**

A. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Waddell.

B. Roll Call

Chair: RJ Waddell

Members Present: Sherm Chamberlain, Annemarie Conway, Toni Felter, David Gray, Mary Millington, Jennifer Muladore

Members Absent: Reid Beegen

Staff Present: Jennifer Neal, Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Vice Chair Chamberlain, second by Member Millington to approve the agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the Minutes

1. October 11, 2021 Meeting Minutes

Motion by Vice Chair Chamberlain, second by Member Muladore to approve the minutes of October 11, 2021 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. 803 State Street SPLU [Special Land Use] Proposal

Jonathan Scheel, Zoning Administrator, advised that the applicant, Joppa House Ministries, proposed a recovery residence for women suffering with substance abuse disorders. The project location, 803 State Street, is zoned R1, Low Density Residential. The proposed use for the site is considered a Boarding/Rooming House which requires a Special Land Use Permit. The Planning Commission was asked to review the materials included in their packet for discussion purposes only.

Zoning Administrator Scheel stated that he chose to label "group home" use for the project, but the Chairman felt that a boarding house designation was the most appropriate category for this proposal.

Motion by Member Conway, second by Member Felter to postpone the discussion of the SPLU Proposal to December 13, 2021, with the language that it be recognized as a boarding house. Motion passed by unanimous voice vote.

2. Redevelopment Ready Communities Update

Lindsey Dotson, Main Street DDA Director and Dan Leonard, Sr. Community Assistance Specialist from the Michigan Economic Development Corporation shared an update of the Redevelopment Ready Communities program site selection process as well as ongoing discussions with property owners.

3. ADU [Accessory Dwelling Units] Architectural Standards

Zoning Administrator Scheel stated the next step to update the ADU Standards was to put the language into form-based code language. He stated the draft document included pictures, drawings, and standards along with the ordinance language. He stated that he would get the full package of the language changes to the Commission for the December meeting, and then schedule the public hearing in January 2022.

H. Old Business

1. Master Plan Update

Jennifer Neal, Planner asked the Commission to review the community engagement efforts, the goals and objectives of the Master Plan, and to consider a request to hold a special meeting. She proceeded to provide a presentation of the public engagement efforts conducted and the results of the Community Survey. She stated they received 637 responses to the Community Survey (130 responses via the Internet). She thoroughly reviewed the results of the survey in detail.

Planner Neal recommended postponing the discussion regarding Chapter 3: Vision and Goals of the current Master Plan to the next meeting and the Commission concurred.

I. Staff Updates

Chair Waddell stated that he and Member Millington attended the Ferry Beach meeting. He stated Mayor Kurtz asked him about scheduling a joint City Council/Planning Commission meeting to discuss housing. The Mayor suggested a meeting at 4:30 p.m. on December 20, 2021,

prior to their Council meeting. Chair Waddell, the Mayor and City Manager met with some developers about looking at the property behind Pine River Place on Garfield for affordable housing.

Chair Waddell stated the City Manager offered a tour of the new Public Services Facility at 401 W. Carpenter Street. Following the tour the Commission could then have a one topic special meeting regarding the Future Land Use Map. The Commission concurred to schedule the tour of the new public building at 4:30 p.m. and reconvene at 6:00 p.m. at City Hall for a special meeting on Monday, November 22, 2021.

J. Request for Next Month's Agenda or Research Items

Chair Waddell stated the November 22nd meeting would be focused on the Future Land Use Map. At the December meeting they will discuss the draft ordinance for accessory buildings and accessory dwelling units, the public hearing for 803 State Street, and review of the Goals and Objectives for the Master Plan.

K. Adjournment by 8:00 PM unless extended by motion.

Chair Waddell adjourned the meeting at 8:07 p.m.

Sarah Dvoracek/fgm

Deputy City Clerk

R.J. Waddell

Chair

CITY OF CHARLEVOIX

Approval of the Minutes

TO: Planning Commission

FROM: Jennifer Neal, Planner

SUBJECT: November 22 Work Session Minutes

DATE: December 13, 2021

BACKGROUND

The minutes from the November 22 Planning Commission Work Session are included for your review and approval.

ATTACHMENTS:

- ▣ November 22, 2021 Work Session Minutes

**CITY OF CHARLEVOIX
PLANNING COMMISSION WORK SESSION MINUTES
CHARLEVOIX PUBLIC SERVICES FACILITY, 401 W. CARPENTER STREET
Monday, November 22, 2021 – 4:34 p.m.**

A. Call to Order

The Work Session was called to order at 4:34 p.m. by Chair Waddell.

B. Roll Call

Chair	R.J. Waddell
Members Present:	Annemarie Conway, Toni Felter, David Gray, Mary Millington, Jennifer Muladore
Members Absent:	Sherm Chamberlain, Reid Beegen
Staff Present:	Mark L. Heydlauff, City Manager; Jennifer Neal, Community Planner

C. Tour Public Services Facility

City Manager Heydlauff gave the Planning Commission a tour of the Public Services Facility. Commissioner comments included: impressive, well thought out, money well spent, good investment and sustainable design.

D. Adjournment

Work Session adjourned at 5:11 p.m.

R.J. Waddell

Chair

CITY OF CHARLEVOIX

Approval of the Minutes

TO: Planning Commission

FROM: Jennifer Neal, Planner

SUBJECT: November 22 Special Meeting Minutes

DATE: December 13, 2021

BACKGROUND

The minutes from the November 22 Planning Commission Special Meeting are included for your review and approval.

ATTACHMENTS:

- ▣ November 22, 2021 Special Meeting Minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION SPECIAL MEETING MINUTES
COUNCIL CHAMBERS, CITY HALL, 210 STATE STREET
Monday, November 22, 2021 - 6:00 p.m.

A. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Waddell.

B. Roll Call

Chair R.J. Waddell

Members Present: Sherm Chamberlain, Annemarie Conway, Toni Felter, David Gray, Mary Millington, Jennifer Muladore

Members Absent: Reid Beegen

Staff Present: Jennifer Neal, Community Planner

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Gray, second by Member Conway to approve the agenda as presented. Motion passed by unanimous voice vote.

E. Call for Public Comment Not Related to Agenda Items

F. New Business

1. Master Plan Update

After discussion, the following changes were made:

- 3.4 Vision Statement "Charlevoix will build on its distinctive character, downtown, and diverse neighborhoods, while respecting its unique setting and environment and creating a foundation for future economic prosperity and personal success. We collaborate with elected officials and other public bodies."
- 3.5 Community Goals, Objectives, and Action items:
 - 1.1 *Preserve and Enhance Charlevoix's Unique Small Town Character:*
 - 1st bullet, change to "When making decisions consider the features contributing towards Charlevoix's character; identify how development regulations can best protect and/or enhance them."
 - 2nd bullet, add St. James and Peaine Townships (Beaver Island) to the list of area townships.
 - 3rd bullet, change to: "Continue to enforce the nuisance ordinance."
 - 1.2 *Enhance Scenic Beauty:*
 - 3rd bullet, eliminate the word "planting".
 - 2nd bullet, add "including donations".
 - 4th bullet, change to: "Shade Tree and Park Commission".
 - 1.3 *Preserve and Enhance the Downtown:*
 - 3rd bullet, change to "Support local initiatives that support, preserve and enhance the downtown, i.e., trails, historical, etc."
 - 1.4 *Protect Historic and Cultural Resources:*
 - 2nd bullet, change to: "Continue educating and supporting property owners ..."
 - 3rd bullet, delete.
 - Goal, change to "Maintain a diverse, regional economy that supports sustainable year-round housing and business development and enhances Charlevoix as a tourism destination."
 - 2.1 *Encourage Regional Collaboration on Economic Development:*
 - 1st bullet, spell out CVB as "Convention & Visitors Bureau".
 - 2.2 *Promote Charlevoix and the Region as a viable place to live and work year-round:*
 - 2nd bullet, spell out CVB as "Convention & Visitors Bureau"; eliminate "and expand"; add "Recreation Department".
 - 3rd bullet, eliminate "affordable".
 - 6th bullet, eliminate.
 - 2.3 *Encourage Economic Sustainability and Growth in Downtown Charlevoix:*
 - Add a bullet to read: "Continue to support the Redevelopment Ready Program."
 - 2nd bullet, change to "...pursue other winter city recreational or promotional events".
 - 4th bullet, change to "...Michigan Main Street Program and others as a way of ...".
 - 3.1 *Cooperate with Charlevoix Township on Planning and Zoning* – no changes.
 - 3.2 *Coordinate Efforts to Provide Safe and Efficient Transportation Systems:*
 - 2nd bullet, eliminate "such as West Dixon".
 - 3.3 *Work Cooperatively to Encourage and Facilitate Alternate Forms of Transportation:*
 - 5th bullet, eliminate.
 - 7th bullet, change to "Use current sidewalk inventory to prioritize new sidewalks and plowing."
 - 8th bullet, change to "Explore the viability of a multi-use transportation hub."
 - 9th bullet, eliminate.
 - 3.4 *Coordinate Efforts on Natural Resource Protection* – no changes.

- 3.5 *Continue to Promote our Unique Historical Ties to Beaver Island* – no changes.
- 3.6 *Work with Charlevoix Schools on Future Facility Usage:*
 - 1st bullet, eliminate.
- 4.1 *Provide High Quality Public Services and Infrastructure at a Lower Cost to the Taxpayers:*
 - 3rd bullet, delete “in a manner”.
- 5.1 *Improve Water Quality Protection* – no changes.
- 5.2 *Integrate Environmental Best Practices with City Utilities and Operations:*
 - Add “Explore need for additional electric vehicle charging stations.”
- 6.1 *Encourage Higher Density in Appropriate Locations* – no changes.
- 6.2 *Promote Infill Development* – no changes.

G. Request for Next Month’s Agenda or Research Items

Chair Waddell stated that they had requests for the December meeting agenda, and they should also review the changes made to Chapter 3 of the Master Plan. He stated that the Mayor, City Manager, Director of Housing, and he met with three developers about the Pine River property to be developed as workforce housing with government subsidy, and briefly described the meeting, grant funding and the potential for the property.

H. Adjournment

Meeting adjourned at 8:01 p.m.

Sarah Dvoracek/fgm

City Clerk

R.J. Waddell

Chair

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Jonathan Scheel, Zoning Administrator

SUBJECT: Public Hearing: 803 State Street SPLU Proposal

DATE: December 13, 2021

BACKGROUND

The applicant, Joppa House Ministries, has proposed a recovery residence for women suffering with substance use disorders. The project location, 803 State Street, is zoned R1, Low Density Residential. The proposed use for the site is considered a Boarding/Rooming House, a Special Land Use.

The steps for the public hearing are:

1. Introduction of the project from Zoning Administrator Scheel
2. Planning Commission questions related to the project
3. Public hearing/public comment
4. Planning Commission discussion
5. Decision: One of four options -
 - Approve
 - Approve with conditions
 - Deny
 - Postpone decision to a specific date and time

ATTACHMENTS:

- ▣ 803 State Street Application and Comments
- ▣ Joppa House Ministries Accreditation
- ▣ City Attorney Response

BARRON & ENGSTROM, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW
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309 PETOSKEY AVENUE
CHARLEVOIX, MICHIGAN 49720

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TELEFAX: (231) 547-2977
beplc@barronengstrom.com

August 9, 2021

Jonathan Scheel
City Planner
City of Charlevoix
210 State Street
Charlevoix, Michigan 49720

RE: Recovery Residence
803 State Street

Dear Jonathan:

Pursuant to our discussions, I have enclosed the following materials to secure approval from the City for use of the referenced premises by Joppa House Ministries as a recovery residence for women suffering with substance use disorders:

- Special Land Use Review Application
- Site Plan
- Prior correspondence of March 24, 2021 (including attached Legal Summary)
- Correspondence and materials from Joppa House Ministries
- Review Fee of \$300.00

To the extent that the Special Land Use Review process is being utilized to facilitate legally mandated "reasonable accommodations," which authorize use of the premises as a recovery residence, my client is supportive of this process. The present Application is, however, filed under protest in the event it is determined that a recovery residence cannot be established without issuance of a Special Use Permit, as this would constitute a *prima facie* violation of the Federal Fair Housing Act and the Americans with Disabilities Act.

Sincerely,

BARRON & ENGSTROM, P.L.C.



Daniel B. Barron

DBB/jlm

xc: Pastor Ginger Stevens (via e-mail)

BARRON & ENGSTROM, P.L.C.

ATTORNEYS AND COUNSELORS AT LAW

**P.O. BOX 309
309 PETOSKEY AVENUE
CHARLEVOIX, MICHIGAN 49720**

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March 24, 2021

Jonathan Scheel
City Planner
City of Charlevoix
210 State Street
Charlevoix, Michigan 49720

RE: Recovery Residence
803 State Street

Dear Jonathan:

I am writing on behalf of Third Day Fellowship & Outreach, Inc., a Michigan ecclesiastical corporation ("Third Day"), and its tenant, Joppa House Ministries, a Michigan ecclesiastical corporation ("Joppa Ministries"). As discussed, Third Day has purchased and acquired the residence located at 803 State Street, contiguous to the residence which it owns at 801 State Street. Third Day and Joppa Ministries, as the tenant, wish to establish and operate at 803 State Street a recovery residence for those suffering from substance use disorders, similar to the current operations at 801 State Street.

I have attached correspondence from Pastor Ginger Stevens, which provides background to this matter. As reflected therein, the operations of Joppa Ministries have evolved over the past seven years, as a result of community and cultural needs. Joppa Ministries no longer operates a transitional home for women facing homelessness at 801 State Street, and instead now operates a recovery residence from substance use disorders.

As reflected within the attached correspondence, 803 State Street is a four bedroom, 3 bathroom house, which will house six female residents, as well as a live-in house supervisor. No children will be housed at 803 State Street. The residents share household chores, such as cooking, cleaning and laundry. There will be minimal vehicular parking needs, as very few of the residents own cars and many do not possess valid driver's licenses.

Jonathan Scheel
March 24, 2021
Page 2

As additionally discussed, federal law affords protections for the establishment and operation of recovery residences within single family residential districts. Among other things, "reasonable accommodations" are required from land use authorities to facilitate recovery residences. Legal counsel for the Michigan Association of Recovery Residences is also providing assistance to my clients, including legal research which I have incorporated into the attached "Legal Summary."

My clients are requesting, with the guidance of City's legal counsel, "reasonable accommodations" which confirm that, based upon the information submitted to the City, the proposed recovery residence at 803 State Street shall be deemed to constitute a permitted use by right under the Charlevoix Zoning Ordinance.

Please feel free to contact me with any questions or comments. I otherwise look forward to your response.

Sincerely,

BARRON & ENGSTROM, P.L.C.

A handwritten signature in dark ink, appearing to read 'Daniel B. Barron', with a large, sweeping loop at the end.

Daniel B. Barron

DBB/jlm
xc: Pastor Ginger Stevens (via e-mail)



CITY OF CHARLEVOIX

SPECIAL LAND USE REVIEW APPLICATION

Third Day Fellowship & Outreach/
Joppa House Ministries
Applicant

803 State Street
Address of subject property

Charlevoix, MI 49720
Address (City/State/Zip)

Property Owner Name (If different than applicant)

Property Owner Address (City/State/Zip) (If different than address of subject property)

Property Owner Phone Email
(231) 330-2643 info@joppahouseministries.org

Agent Phone Email
(231) 543-9950 dbarron@hammenga.com

Current zoning of subject property: R-1 Tax ID: 15-052-227-027-00

Current use of property: Single family home

Proposed use: A recovery residence for women suffering with substance use disorders.

Is the proposed use listed as a Special Use for the district in which said use is located? (Refer to ordinance faults to the allowed uses tables in Sections 5.26 and/or 5.31 of the Zoning Ordinance) identify recovery residences.

Dimensions of parcel: _____ Parcel size: _____
Square feet Acres

The following questions are meant to address the standards that will be considered by the Planning Commission in their review of the proposed special land use.

Will the use be designed, constructed, operated and maintained in a manner that is harmonious and appropriate in appearance with the character of the surrounding area, is compatible with adjacent land uses and does not essentially alter the character of the area in which it is proposed?

Yes. Our recovery residence abuts to the Joppa House recovery residence at 801 State Street, the Pine River Place housing project, and is in proximity to the Charlevoix County Sheriff's Department and the Health Department of NWM.I. The recovery residence will be operated and managed in the same manner as the Joppa House 801 State Street Campus, which has been a conscientious member of the neighborhood.

Is the use, or will the use be, adequately served by public services and facilities? (ex. Streets, police, fire protection, water and sewer, refuse disposal and schools.)

Yes. We have an established and positive working relationships with Patrick Stoner and Todd Asante, the Charlevoix Police Department, and the Charlevoix County Sheriff's Department. The property will be serviced by public roads and utilities.

Will on-site activities, processes, materials, equipment or operating conditions create traffic, noise, smoke, fumes, glare, odors or any other products that would be detrimental to any people, property or the general welfare?

No. On site activities will be the same as the recovery residence at 801 State Street, with the exception that no children will reside at 803 State Street.

Will the use be compatible with the natural environment and be designed to encourage conservation of natural resources and energy?

Yes. The property has many gardens on the grounds which we plan to maintain.

Does the site plan for the proposed use comply with the applicable design standards and other requirements of the Zoning Ordinance?

Yes. The existing dwelling and improvements have been used for many years as a single family residence.

Is the proposed special land use consistent with the intent and purpose of the Zoning Ordinance and the most recent updates to the Master Plan (2011)?

Yes. The proposed special use as a recovery residence within a single family zone district is also consistent with and supported by the Federal Fair Housing Act and the Americans with Disabilities Act.

AFFIDAVIT

I, the undersigned, do hereby make application to the City of Charlevoix for approval of the proposed special land use application which has been completed in accordance with the City of Charlevoix Zoning Ordinance. I certify that the property owner has authorized the proposed work, and that I have been empowered by the owner to make this application as his/her selected agent. I agree the statements made in the above application and associated documents are true, and if found not to be true, the approval of the special use permit may be void. I also agree to comply with the conditions and regulations required by the approved special land use permit. Further, I agree that if the special land use application is approved, it is approved with the understanding that the individual(s) or organization(s) applying for that special land use permit (or those individual(s) or organization(s) represented by the applicant) will comply with all applicable sections of the City of Charlevoix Zoning Ordinance. For purposes of site inspection, I also agree to notify the City of Charlevoix Zoning Administrator when locations of lot lines and proposed structures are located and staked on the ground. I also agree to give permission for officials of the City of Charlevoix, the County, and the State of Michigan to enter the property subject to this permit application for purposes of inspection. I understand that the City may impose conditions of approval and that the conditions must be met by the specific times as defined in the Decision and Order. Finally, if necessary, I understand that this is a special land use application, and if approved, cannot be implemented until applicant has applied for and the City has issued a zoning permit.

Property Owner Signature or Authorized Agent:

Nigina Stevens

Date:

5-6-21

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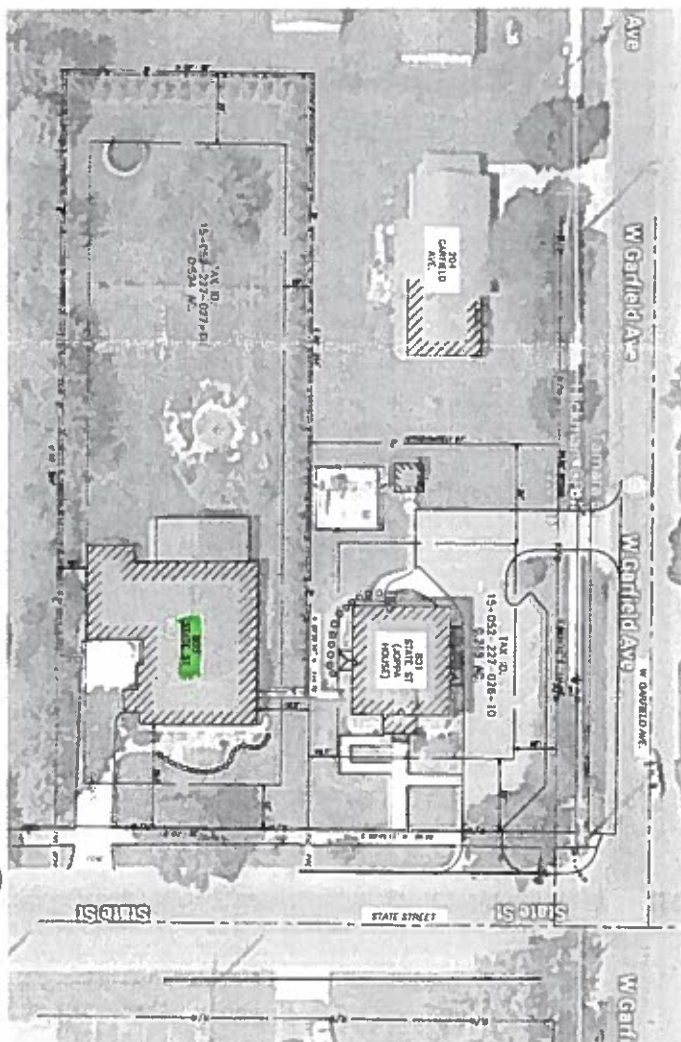
ZONING INFORMATION

[illegible]

SITE INFORMATION

[illegible]

SITE PLAN



**Performance
Engineers, Inc.**

Civil / Structural Engineering
405 Peachtree Avenue
Chamblee, Michigan 48120
Phone (734) 541-3731
Fax (734) 541-0084
www.janformanengineering.com

PRODUCT #24
JOPPA HOUSE

801 & 803 SAIL STREET
CHARLENOE, VA

SITE
PLAN

Cl	Cl
Salt	Salt



Joppa House Ministries

Pastor Ginger Stevens

Director

PO Box 174 – Charlevoix, MI 49720

231-330-2643

www.joppahouseministries.org

March 19, 2021

To Whom It May Concern:

Third Day Fellowship has operated Joppa House Women's Transitional Home, located at 801 State St, for seven years as of July 12th, 2021.

When 'Joppa House' was in its pre-operational state, the committees worked on setting up the program, policies and curriculum for a transitional home for women and their children who find themselves homeless or facing homelessness due to a lack of life skills and/or resources.

However, trends have changed over the past 7 years. Our community is home to many women who are recovering from addictions and substance use disorders. The need for recovery residences has grown exponentially in the last five years. Joppa House is seeing a culture shift as 100% of applications for residency are coming from women exiting a drug rehabilitation facility. These women are in need of continued support for life skills, accountability, working through custody issues, facing legal obligations, and learning to cope with the stress of everyday life without the help of substances.

Hence, Joppa House added recovery programming to its life skills curriculum in September 2020. The ladies are now required to complete the original Stepping Stones life skills curriculum, attend recovery meetings, receive drug/alcohol counseling, obtain a sponsor and a peer recovery coach. They are asked to commit to 6-9 months to work on their sobriety through the 5 Outlooks (attached), case management and community living. Thus far, Joppa House Women's Transitional Home has served 152 residents, 70 women, 82 children!

As an ecclesiastical organization, directed by myself, Ginger Stevens, Pastor, Founder, & Director, faith is interwoven in everything we do. Bible Study and attending the church of choice is required weekly.

In February, Third Day Fellowship acquired a second residence located at 803 State St. to expand this necessary and greatly needed ministry. The property located adjacent to 801 State St, will operate the exact same way as the original Joppa House combining programming to include residents from both houses.

The 803 'Campus' is a 4 bedroom, 3 bath home with a large living room, dining room, kitchen and rec room. This home will house 6 women (2 in each bedroom) as well as a live-in house supervisor.

Third Day Fellowship, the parent of Joppa House Ministries, '801 Campus' and '803 Campus' is a 501c3 non-profit organization solely supported by tax deductible contributions and donations.

Thank-you for your consideration!

Any questions or concerns, please don't hesitate to call!

Blessings,

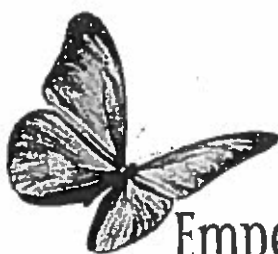
Rev. Ginger Stevens

Rev. Ginger Stevens

Director – Joppa House Ministries

231-330-2643

The Joppa House 5
– Outlooks to Independence and Healing –

Outlook	Primary Objectives	Overall Outlook Goals
 Chrysalis Intake Outlook	• Provide ID, sign intake, read resident handbook, settle into room & the house • Acquire a Counselor • Acquire a Primary Care Physician • Apply for Social Services • Connect with Recovery Meetings • Find a Sponsor & Peer Recovery Coach • Meet with Case Manager(s) to set up a treatment plan & relapse prevention plan • Medication review	• Probation Period :: 2 weeks • Attend 90 Meetings in 90 Days • Church & Bible Study • Legal Obligations • No visitors • Complete <i>Stepping Stones</i> Module One (Purple)
 Thistle Outlook #1 Employment and Finances	• Identify work strengths & interests (passions & giftings) • Resume Writing/Application & Interview Skills • Job Search/Secure Employment/Vocational Education • Develop a short & long term employment and/or educational plan • Address barriers to employment • Budgeting/Spending Diary (Savings for 1st & last month's rent) • Pay Program Fees • Begin attending recovery meetings • Develop a relapse plan	• Attend 5 meetings per week • Obtain employment and/or educational opportunities • Fulfill any legal obligations • Approved visits • Complete <i>Stepping Stones</i> Module Five (Green)
 Emperor Outlook #2 Finding Balance	• Choose weekly activities; establish hobbies & skills • Nutrition planning/training/health goal setting/exercise plan • Monitor stress & sleeping habits • Set goals and action plan to achieve those goals • Set up budget/financial plan/savings/responsibilities/banking • Continue recovery meetings/Relapse Plan review • Mindfulness & S.M.A.R.T. Goal Setting	• Attend 4 meetings a week • Fulfill legal obligations • Approved visits • Complete <i>Stepping Stones</i> Module Six (Brown)

Outlook	Primary Objectives	Overall Outlook Goals
 Admiral Outlook #3 Loving Self / Spiritual Emphasis	• Self Care • Commit to regular exercise • Commit to healthy eating habits • Follow a set budget • Devotional study & journaling/ personalized study • Focus on growth, personal faith story/presentation, identity in Christ/spiritual gifts • Find or be assigned a mentor • Continue recovery meetings • Relapse Plan Review	• Attend 3 meetings a week • Fulfill legal obligations • Approved visits • Complete <i>Stepping Stones</i> Module Two (Yellow)
 Swallowtail Outlook #4 Giving Back	• Passions Identification • Propose a service project/ evaluate the service project • Volunteer at a local non-profit three (3) hours per week • Present to Case Manager(s)/ House Director "Why Giving Back Matters" • Relapse Plan Review • Mentor new housemates	• Attend 3 meetings a week • Community Service • Fulfill Legal Obligations • Approved visits • Complete <i>Stepping Stones</i> Module Four (Blue)
 Monarch Outlook #5 Transition and Preparation for Graduation	• 9 Months sobriety and/or successful completion of all 5 Outlooks • Develop an exit plan: • Housing (sufficient housing procured) • Savings for 1st month & last months rent • Have support group • Meetings • Goals and dreams • Your support community / plans for when independent and able to sustain independent living • Have a budget in place to support housing/personal needs • Employment & vehicle for employment • Review recovery plan/ relapse prevention plan • Review future goals	• Attend 2 meetings a week • Community Service • Fulfill Legal Obligations • Approved visits • Complete <i>Stepping Stones</i> Module Three (Pink) • Relapse Prevention Plan • Exit Plan



Location Map
803 state street

Special Use Permit
2021-01

LEGAL SUMMARY

TOPIC: Request to the City of Charlevoix for "reasonable accommodations" to allow use of 803 State Street as a "recovery residence" for substance abuse disorders.

RECOVERY RESIDENCES

A recovery residence (an "RR") is a sober living environment, meaning that residents are expected to abstain from alcohol and illegal drug use. The purpose of an RR is to provide a safe and healthy living environment to initiate and sustain recovery ... defined as abstinence from alcohol and other non-prescribed drug use and improvement in one's physical, mental, spiritual and social well-being. Individuals build resources while living in an RR that will continue to support their recovery as they transition to living independently and productively in the community. The length of stay varies depending upon the resident's needs, progress, and willingness to abide by residence guidelines, and although there is no temporal limit to the length of stay, most persons average a stay in the 6-to-12 month time frame.

Background information regarding the proposed use of 803 State Street as a recovery residence, is set forth within correspondence from Pastor Ginger Stevens which accompanies this Legal Summary.

Residents of recovery residences, because of their status as persons in recovery from a substance use disorder, are afforded certain protections under the *Federal Fair Housing Act*, 42 U.S.C. section 3601 et seq., and the *Americans with Disabilities Act*, 42 U.S.C. Section 12132, et seq.

FEDERAL FAIR HOUSING ACT ("FFHA") and AMERICAN WITH DISABILITIES ACT ("ADA")

A municipality's authority to regulate recovery residence living facilities is based in its zoning ordinance and general police powers. The regulation of land-use is traditionally reserved to local governments, except to the extent that it conflicts with the requirements imposed by the FFHA, the ADA or other federal laws. The FFHA and the ADA prohibit a broad range of housing practices that discriminate against individuals on the basis of race, color, religion, sex, disability, familial status and/or national origin.

The FFHA protections against discrimination extend to all "dwellings" which include any "...building, structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one or more families." *42 U. S. C. Section 3602(b)*. There are 2 factors under federal law for determining whether a facility constitutes a "dwelling":

- Whether the facility is intended or designed for occupants intending to remain for a significant time; and

- Whether the occupants of the facility view it as a place to return. Lakeside Resort Enterprises v. Board of Supervisors of Palmyra, (3d Circuit 2006) 455 F 3rd 154, 158.

Courts typically define a "significant period of time" as longer than a typical hotel stay, but it can be possibly as short as 2 weeks. *Id.* at 159. Courts also analyze the extent to which occupants treat the facility as their home, and whether they perform tasks such as cooking, cleaning and laundry at the site. Schwartz v. City of Treasure Island (11th circuit 2008) 544 F3rd 1201, 1214. The Third Circuit relied on these principles to conclude that a drug and alcohol treatment center met the definition of a "dwelling" and that the resident's "lifestyle" satisfied the principle that the residents treated the building like a home. The residents ate meals together, returned to their rooms in the evening, received mail at the facility, hung pictures on their walls, and had common living areas. Lakeside Resort Enterprises, supra, 154, 160.

Recovery residences are protected as a type of single-family use for a collective of unrelated persons in recovery from substance use disorders. Olmstead v. L.C., 527 U.S. 581(1999). What this means, in practice, is that any action by a municipality which would treat disabled persons, such as those in rehabilitation for substance use disorders, differently than it would treat a single-family use, constitutes a prima facie example of discrimination.

The seminal case of City of Edmonds v. Oxford House, Inc. 514 US 725 (1995), held that the FFHA requires municipalities to make "reasonable accommodations" to allow group homes for recovering substance abusers to stay in a single-family residential zone district, despite the cities' ordinance that limited occupants in single-family dwelling units to no more than 5 persons unrelated by genetics, adoption or marriage.

Examples of local land-use laws or practices which may violate the FFHA or ADA include:

- imposing restrictions or additional conditions on group housing for persons with disabilities which are not imposed on families or other groups of unrelated individuals, i.e., requiring an occupancy permit for persons with disabilities to live in the single-family home, while not requiring a permit for other residents of single-family homes, or
- refusing to provide reasonable accommodations to land-use policies when such accommodations may be necessary to allow person with disabilities to have an equal opportunity to use and enjoy the housing.

HUD/DOJ Joint Statement on Local Land-Use Laws and Practices and the Application of the Fair Housing Act <https://www.justice.gov/opa/file/912366/download>

Based upon the foregoing and the information set forth in correspondence and materials submitted to the City of Charlevoix, "reasonable accommodations" are requested from the City of Charlevoix, which confirm that the proposed recovery residence at 803 State Street shall be deemed to constitute a permitted use by right under the Charlevoix Zoning Ordinance.

Planner

From: John Golden <jkgolden@hotmail.com>
Sent: Thursday, October 28, 2021 5:15 PM
To: Planner
Subject: Re: Case Number: SUP 2021-01

within 300 ft

Another couple of comments after= thinking about it more.

Drug dealers don't like to lose customers so they likely would be hanging around the neighborhood to 'reconnect' with the recovering addicts.

There is an elementary school and playground directly across the street.

Get [Outlook for Android](#)

From: Planner <planner@charlevoixmi.gov>
Sent: Wednesday, October 27, 2021 2:07:18 PM
To: John Golden <jkgolden@hotmail.com>
Subject: RE: Case Number: SUP 2021-01

Thank you for your comments. I will add your email to the public record

Jonathan Scheel
 Zoning Administrator
 City of Charlevoix
 231-631-0004

From: John Golden <jkgolden@hotmail.com>
Sent: Wednesday, October 27, 2021 2:04 PM
To: Planner <planner@charlevoixmi.gov>
Subject: Case Number: SUP 2021-01

I object to using the home in question (803 State Street) as a home for recovering women with substance abuse disorders.

While I do agree that there needs to be a place for them to live, I do not feel that a single-family residential neighborhood is the correct place.

Not everyone who is attempting to recover from addiction is successful.

When one is not successful in their recovery, oftentimes their fall back into addiction is wrought with poor decisions and actions.

These decisions and actions may be as minor as lying, but can escalate into things such as robbery, breaking into autos, home burglary, and other things to monetarily support their habit.

Our nearby home is a family vacation home and very often unoccupied, which presents an attractive option to the addict needing items to sell or trade for drugs.

If there were a break-in into my home, it may be weeks or months before I discover it and by then it's too late to do anything about it.

Planner

From: NELSON FLETCHER <nelsonfletcher@hotmail.com>
Sent: Monday, November 1, 2021 10:29 AM
To: Planner
Subject: Case #: SUP2021-01 803 State St

City of Charlevoix
Office of Planning and Zoning
210 State St
Charlevoix, MI 49720
Attn: Jonathan Scheel

Dear Jonathan,

Neither my wife, Dawn, nor I have any objection for the use of the property at 803 State St as a recovery residence for women suffering with substance use disorders. We believe that the Joppa House Ministries provides a beneficial and needed service to the Charlevoix community.

Respectfully,

Nelson Fletcher 231-330-4366
Dawn Fletcher 231-330-2381
907 State St
231-547-4803



PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE: <u>Special Land Use Permit Application. Project 2021-01 SU</u> <u>803 State Street</u>	
HEARING DATE: Monday, November 15, 2021 6:00 PM	
PRESENTED BY: Jonathan Scheel City Zoning Administrator	
ATTACHMENTS:	1. Application from the applicant 2. Project file 2021-01 SU and all contents 3. City of Charlevoix Zoning Ordinance.

I. GENERAL INFORMATION:

Applicant:	Third Day Fellowship and Outreach, Joppa House Ministries
Property Owner:	Third Day Fellowship and Outreach, Joppa House Ministries PO Box 174 Charlevoix, MI 49770
Requested Action:	Special Land Use Permit Application
Zoning:	R-1 Low Density Residential
Project Location:	803 State Street
Project Site Size:	22,826 +- square feet
Lot coverage:	20%
Existing Land Use:	Single family detached residential
Adjacent Land Uses:	The adjoining property to the south is a single-family home. North of the property is a single-family structure owned by the applicant used for a similar SUP purpose as this application. Across State Street to the west is a Catholic Church and school yard and east of the property is the Housing Commission's multi-family housing complex



Google Maps.

III. AUTHORITY AND REQUIREMENTS:

The Planning Commission is the governing authority in regard to Special Land Use applications. Special Land Use applications are not forwarded to the City Council under the Zoning Ordinance. A decision as to whether or not to grant approval for Special Land Use is a Planning Commission decision. Applicants applying for a Special Land Use are also required to submit a Site Plan which is subject to a Level B review. This hearing will cover both the Site Plan Review and the Special Use Permit.

The purpose of this Staff Report is to evaluate this proposal against the procedures and criteria outlined in Section 153.250 "Special Land Use Review" of the City of Charlevoix Zoning Ordinance.

The Special Land Use application was submitted on August 9, 2021. The notice for the public hearing was advertised in the Petoskey News Review on October 27, 2021. Notice of the hearing was sent to adjoining landowners and tenants within 300 feet of the property on October 25, 2021.

The permitted uses by right and the Special Land Uses allowed in the R-1 Low Density Single Family Residential District are listed in Chapter 153.071 Table 153.071 Allowed Uses in Residential Zones.

must be met for all special uses. In addition, more specific standards, and requirements, as found in 153.140 through 153.159 of this Chapter, are established for certain individual uses to mitigate their potential negative impacts.

253.253. Review Standards

A Special Land Use shall only be approved if all the following general standards are satisfied, in addition to any applicable requirements for specific special land uses, as found in 153.140 through 153.159 of this Chapter:

- (1) The use is designed and constructed and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed.

The Planning Commission finds that the proposed special use is a residential use and will be harmonious with the existing neighboring uses and the intended character of the general vicinity. This use will not change the essential character of the area. The applicant is not proposing any exterior structural alterations; therefore, the current appearance would remain unchanged. The applicant is not requesting a use that would result in an activity dissimilar from typical of residential areas throughout the City of Charlevoix in general and in this neighborhood specifically.

- (2) The use is, or as a result of the Special Land Use approval, will be served adequately by public services and facilities, including but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.

The Planning Commission finds that there are adequate essential public services and facilities to accommodate this special use and that this project will not require improvement to or expansion of city infrastructure or public services, including streets, water, and sewer facilities, refuse disposal, or police and fire protection. This application was reviewed by appropriate City Department Heads (DPW, Electric and Fire Departments) and no concerns were expressed over the project.

- (3) The use will not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odors.

The Planning Commission finds that the proposed special use will not be hazardous or disturbing to existing or future nearby uses. The property will continue to be used for residential purposes. There has been a recent expansion of the parking area from two to three parking spaces

(C) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;

(D) Ensure compatibility between the proposed use or activity and the rights of the city perform its governmental functions;

(E) Meet the intent and purpose of this chapter, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards; and

(F) Ensure compatibility with other uses of land in the vicinity

VI. PLANNING COMMISSION ROLE AND OPTIONS:

The City of Charlevoix Planning Commission has the following options for Project 2021-01 SU:

1. Deny Project 2021-01 SU based on specific findings of fact that the application does not meet the review criteria in Chapter 153.253.
2. Approve Project 2021-01 SU based on specific findings of fact that the application does meet the review criteria in Chapter 153.253
3. Approve Project 2021-01 SU based on specific findings of fact that the application does meet the review criteria in Chapter 153.253. with conditions as contained herein.
4. Table the decision based on the need for additional review time or information.

BARRON & ENGSTROM, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 309
309 PETOSKEY AVENUE
CHARLEVOIX, MICHIGAN 49720

DANIEL B. BARRON
dbarron@barronengstrom.com

EDWARD F. ENGSTROM
efengstrom@barronengstrom.com

TELEPHONE: (231) 547-9950
TELEFAX: (231) 547-2977
beplc@barronengstrom.com

November 4, 2021
VIA FIRST CLASS MAIL
VIA E-MAIL

Jonathan Scheel
City Planner
City of Charlevoix
210 State Street
Charlevoix, Michigan 49720

RE: Charlevoix Planning Case # SUP 2021-01

Dear Jonathan:

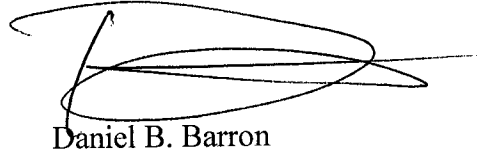
I am writing relative to the Special Use Permit which has been requested by Third Day Fellowship and Outreach/Joppa House Ministries.

Please be advised that the subject location at 803 State Street, as well as the neighboring property at 801 State Street, have been accredited as Level 3 MARR operators by the Michigan Association of Recovery Residences and the National Association of Recovery Residences. Correspondence and the Certificate of Good Standing is enclosed.

Please see that the foregoing information is presented to the Planning Commission at or prior to the scheduled public hearing on November 15, 2021, and otherwise feel free to contact me with any questions or comments.

Sincerely,

BARRON & ENGSTROM, P.L.C.



Daniel B. Barron

DBB/jlm
xc: Pastor Ginger Stevens (via e-mail)
LaRae Stevens



10/18/21

Congratulations!

The following recovery locations have been certified:

- 801 State St. Charlevoix, MI 49720
- 803 State St. Charlevoix, MI 49720

Joppa House Ministries is a Level 3 MARR accredited operator. Your program will be listed under the 'Accredited Operators' tab on our website (michiganarr.com). Feel free to present your certification proudly by adding the MARR and NARR Certified Residence logos to your own website. In the unlikely scenario that your certification is ever revoked, you must remove them from all publications.

We hope that you will continue to work diligently to hold up each of these standards to ensure the best possible care for your residents. Please be prepared for possible randomized inspections throughout the certification year. In the event that any changes are made to your program, such as the opening or closing of a home, etc. MARR must be notified within 30 days of said changes and your Certemy profile must be updated. Be sure to mark your calendar for your annual site review on **10/12/22**. We will be in contact within 1 month of your certificate's expiration date to schedule reinspection.

See you next year!

-The MARR Team



CERTIFICATE OF GOOD STANDING

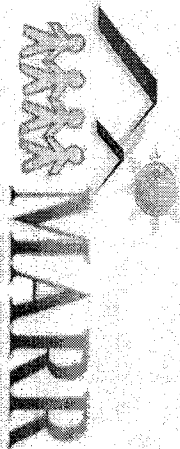
THIS CERTIFIES THAT

Joppa House Ministries

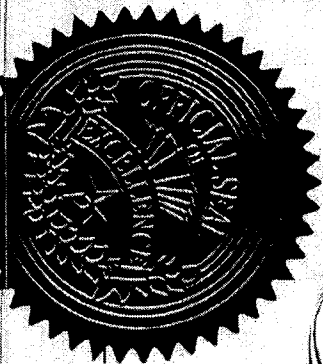
*The (2) locations noted on the Certification letter.

HAS SUCCESSFULLY MET THE STANDARDS OF MARR & NARR AS A LEVEL III PROGRAM.

MARR Certification good through 10.12.2022



Michigan Association
of Recovery Residences, Inc.



Katherine O'Hare – MARR Chief Compliance Officer



Jennifer Neal <jennifer.neal@networksnorthwest.org>

FW: Recovery Residence/803 State Street

Planner <planner@charlevoixmi.gov>

Thu, Nov 4, 2021 at 1:19 PM

To: Jennifer Neal <jennifer.neal@networksnorthwest.org>

Jonathan Scheel

Zoning Administrator

City of Charlevoix

231-631-0004

From: Scott Howard <Scott@envlaw.com>**Sent:** Thursday, March 25, 2021 12:19 PM**To:** Planner <planner@charlevoixmi.gov>**Cc:** Karla Gerds <karla@envlaw.com>**Subject:** RE: Recovery Residence/803 State Street

Jonathan, I don't think the reasonable accommodation doctrine turns this into a use by right, but I do think the City would be hard pressed to deny the request. I think they should go through the process and if they feel they need a reasonable accommodation with respect to one of the special use standards, then we can address that issue as part of the review process. Let me know if you'd like to discuss further or if you have any follow up questions.

Scott

From: Planner <planner@charlevoixmi.gov>**Sent:** Wednesday, March 24, 2021 4:35 PM**To:** Scott Howard <Scott@envlaw.com>**Subject:** Fw: Recovery Residence/803 State Street

Good afternoon Scott, I am forwarding an email from a local attorney who represents a client wanting to have a recovery center in a R-2 residential neighborhood. He poses an interesting legal opinion in my eyes that states Federal law allows them this use by right. Please review the documents and provide me with your opinion on how I should handle this. I was leaning to treat it as a special use under 153.071 "Boarding House" which is a special use. The definition of a Boarding House states " **BOARDING/ROOMING HOUSE**. A building, structure, or portion thereof, where individual rooms are rented to separate parties for more than 30 consecutive days, such as seasonal worker housing, transitional homes, hostels or similar uses." Contact me with any questions you may have. I look forward to your correspondence.

Jonathan Scheel
Zoning Administrator
City of Charlevoix
231.631.0004

From: Daniel B. Barron <dbarron@barronengstrom.com>
Sent: Wednesday, March 24, 2021 4:06 PM
To: Planner <planner@charlevoixmi.gov>
Cc: Ginger Stevens <gingersnap_60@hotmail.com>
Subject: Recovery Residence/803 State Street

Jonathan:

Please see the attached correspondence and Legal Summary, together with various attachments.

Daniel B. Barron

~~~~~

Daniel B. Barron, Esq.



[309 Petoskey Ave.](#), PO Box 309

Charlevoix, MI 49720

PH: 231-547-9950

FAX: 231-547-2977

[dbarron@barronengstrom.com](mailto:dbarron@barronengstrom.com)

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Due to the Coronavirus:

Effective today, March 19, 2020, Barron Title Agency and Barron & Engstrom will be open to the public as "Scheduled Access Only." The offices will be staffed during regular business hours.

You may make an appointment by calling:

Barron Title Agency at 231-547-8003

Barron & Engstrom at 231-547-9950

Thank you for your cooperation

~~~~~

The information contained in this transmission is privileged and confidential information intended for the use of the addressee listed above. If you are neither the intended recipient nor the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this transmission in error, please immediately notify us by email and destroy any transmissions you have received in error.

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Jennifer Neal, Planner

SUBJECT: Pine River Channel Northside Planting Donation

DATE: December 13, 2021

BACKGROUND

Based on community feedback, Silver Linings Charlevoix has prepared revised drawings for the proposed Pine River Channel Planting project. At the request of the City Council, Silver Linings Charlevoix is presenting the revised documents to the Planning Commission.

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Jonathan Scheel, Zoning Administrator

SUBJECT: 1002 May Street Project Proposal

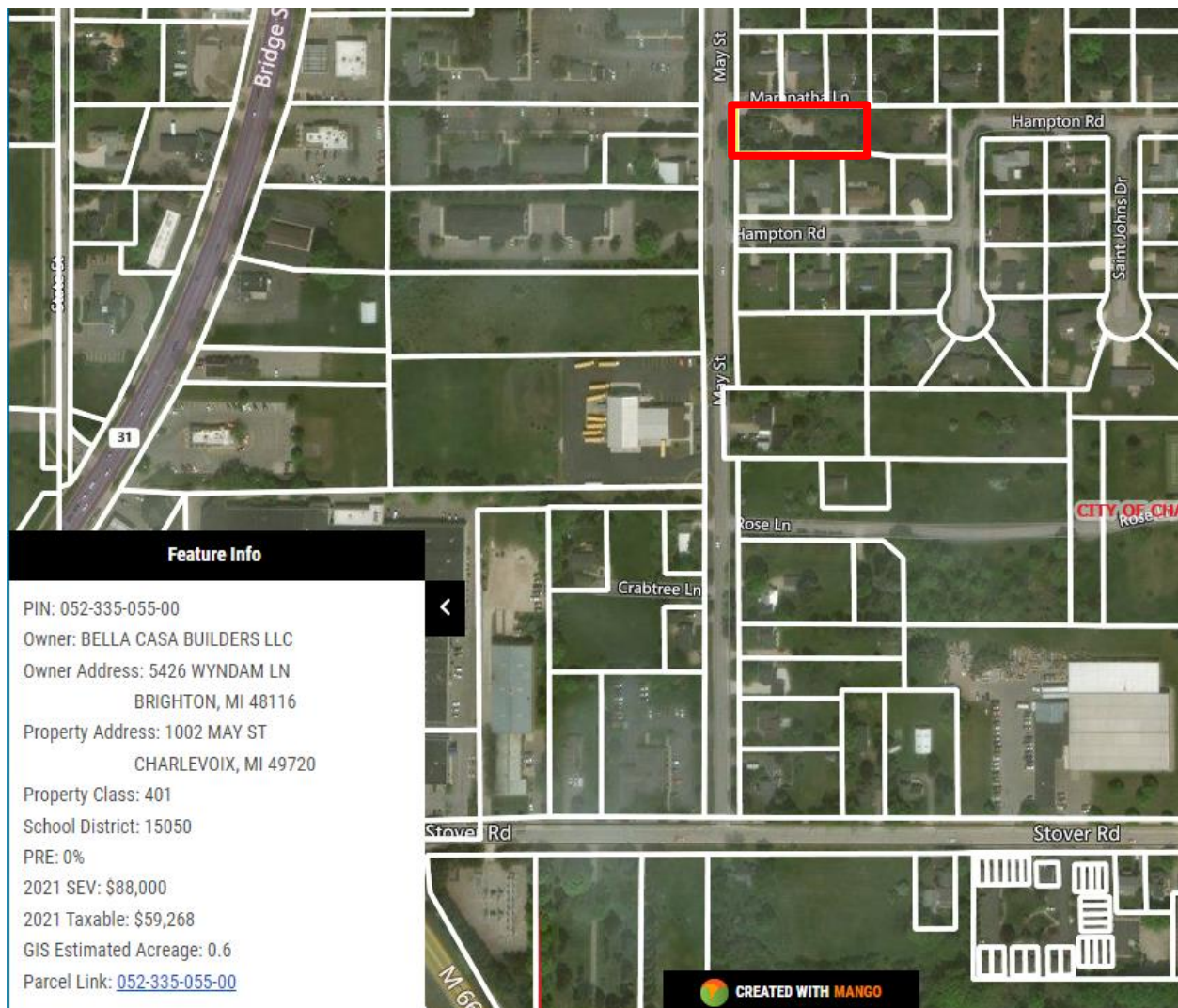
DATE: December 13, 2021

BACKGROUND

Project manager, Matt Giuliani, has requested an opportunity to review a project proposal for the redevelopment of 1002 May Street. No decision is required at this time.

ATTACHMENTS:

- ▣ 1002 May Street Site Aerial



CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Jonathan Scheel, Zoning Administrator

SUBJECT: ADU Standards: Draft ADU Ordinance

DATE: December 13, 2021

BACKGROUND

At the request of the Commission, Zoning Administrator Scheel has prepared a draft ordinance amendment. Upon further direction from the Planning Commission, the draft ordinance language will be posted for public hearing and review.

ATTACHMENTS:

▣ ADU DRAFT Ordinance

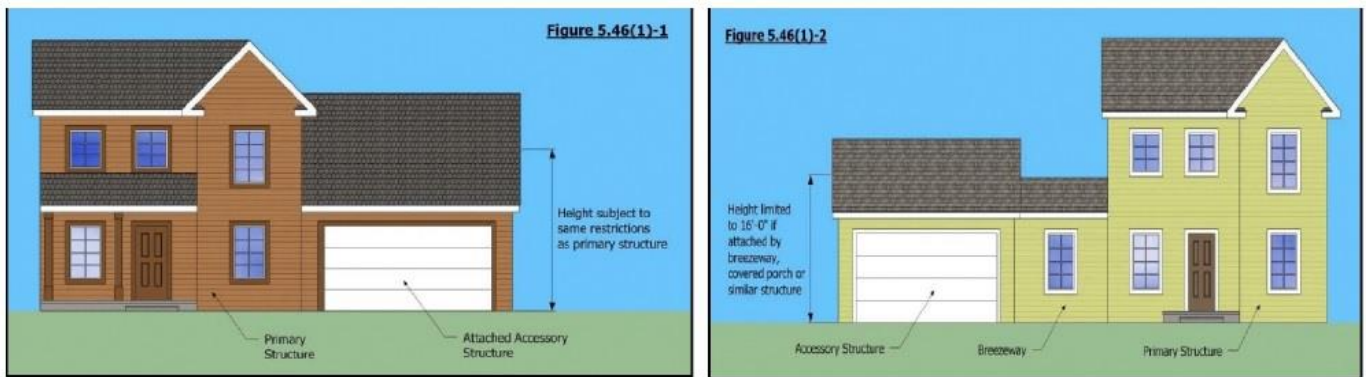
City of Charlevoix Planning Commission
Zoning Ordinance Amendment to create ADU Building Type Standards

The following amendments will be made to Section 153.116(A) Accessory buildings and structures.
(Proposed changes are in **red** text.)

(A) *Accessory buildings and structures.*

(1) Authorized accessory buildings and structures may be erected as part of the principal building, may be connected to the principal building by a roofed breezeway or similar structure or may be completely detached from the principal building.

(2) Where an accessory building is attached to the principal building, it shall be considered part of the principal building for purposes of determining setback dimensions and building height. If, however, the attached accessory building is connected to the principal building by a roofed porch, breezeway or similar covered structure, it shall not exceed 16 feet in height, shall not be closer than 20 feet to the rear lot line and shall meet the front and side yard setback requirements of that zone district.



(3) In the R1 and R2 Single-Family Residential Districts, if the principal building has an attached accessory building, only one detached accessory building shall be permitted.

(4) Lots in the R1 and R2 Zone shall be permitted to have a secondary detached accessory building, such as a storage shed. Secondary accessory buildings shall meet all the requirements of this section and not exceed 200 square feet in area.

(5) No detached accessory building shall have a building footprint (length x width) greater than 2,000 square feet.

(6) The minimum distance between a principal building and detached accessory buildings shall be ten feet, and a minimum of ten feet shall be provided between the sides of adjacent single family buildings and/or accessory structures.

(7) Detached accessory buildings and structures shall meet the following minimum setbacks.

(a) Rear yard: six feet from a rear lot line. Detached accessory structures that store vehicles adjacent to alleys or sidewalks shall not be closer than 15 feet from the edge of the alley or sidewalk surface.

(b) Side yards: an accessory building shall conform to the side yard setback requirements of the principal building, unless it is located in a street side yard, the minimum setback shall be 15 feet from the street side lot line.

(c) Front yard: an accessory structure shall not be located within any front yard.

(8) Detached accessory structures shall not exceed 16 feet in height.

(9) Accessory Dwelling Units

(a) Accessory dwelling unit building type description

The accessory dwelling unit building type is a small- to medium-sized detached accessory structure that incorporates one dwelling unit. The unit may be located above a first floor garage. This specific type of ADU is known as a Carriage House. ADUs are typically located at the rear of the lot within a primarily single-family neighborhood in a walkable urban setting. The accessory dwelling unit building type enables well designed higher densities. It is an essential building type for providing a broad choice of housing types.



(b) Precedent of the accessory dwelling unit building type

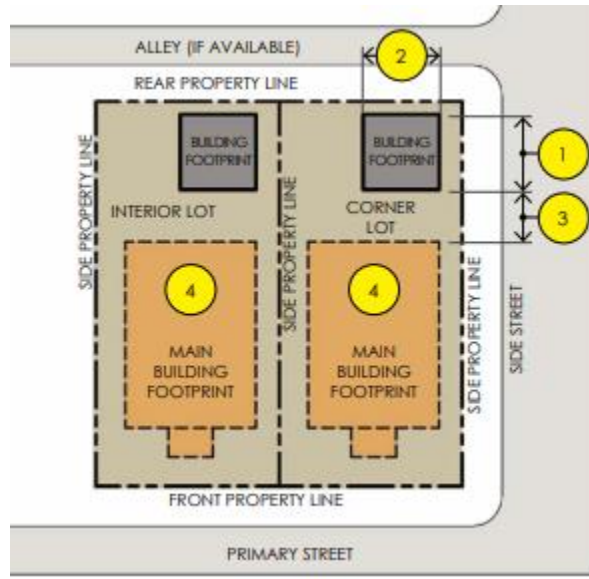
The following images represent precedent examples of the accessory dwelling unit building type. They are intended as examples only and should be used for inspiration in the creation of ADU projects within the City of Charlevoix Form-Based Code area.



(c) Building size and massing

Building type and massing shall meet the following requirement of Diagram A

Diagram A Building Size and Mass



1. Building width (side facing street): 30 feet maximum.

2. Building depth: 30 feet maximum.

3. Separation from main building: 10 feet minimum. The accessory dwelling unit building type may be connected to the main building with an uninhabitable space such as a breezeway.

4. The accessory dwelling unit building type is only allowed on lots where the parcel has an allowed residential use and is one of the following building types:

- a. Small Multi-plex Building Type
- b. Live / Work Building Type
- c. Rowhouse Building Type
- d. Duplex Building Type
- e. Detached House Building Type

5. Maximum site coverage: Lot coverage of accessory dwelling unit building type shall be included in the lot coverage requirements of the main building.

6. Building footprint shall not exceed the footprint of the main building on the lot.

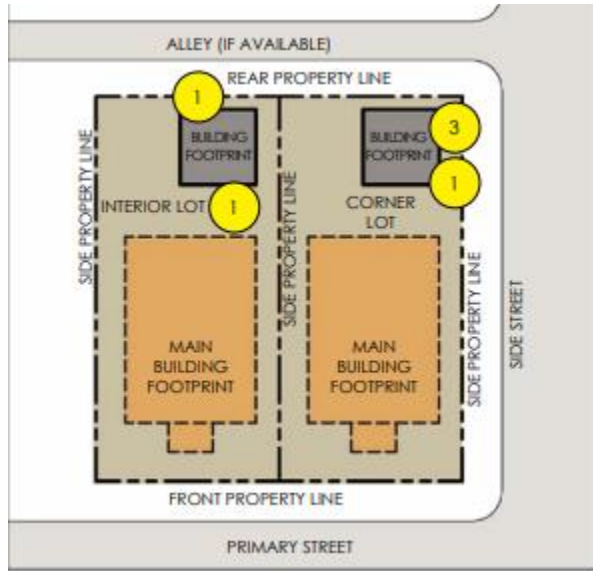
7. Detached garages on corner lots should face side streets. Detached garages on the corner side with driveways extending from the front street are prohibited. When an alley is available, access will come from the alley.

8. Front loaded attached garages protruding from the front elevation of a residence are the least desirable. A three foot (3') minimum offset of such a garage allows for variation of facade, the front of the garage shall be setback a minimum of Ten (10') from the projection of the front porch or building line.

(d) Ground floor pedestrian access and activation

Accessory dwelling unit building type ground floor entrances shall meet the following requirement of Diagram B

Diagram B Ground Floor Access



1. Entrance for upper unit is required to be accessed from the alley, side street, or internal to the lot.

2. Entrance for upper unit shall not be through a garage.

3. Parking may be accessed from the alley, side street, or primary street per the requirements for off-street parking access in the zoning district.

4. Parking may be accessed from the front street only when there is no adjacent alley or side street.

5. Driveways are required to be constructed of concrete or masonry to the back of the sidewalk. Stamped and colored concrete, interlocking pavers (impervious), concrete with brick borders, and exposed aggregate concrete paving is encouraged. Color, pattern, and design should complement that of the proposed new home or renovated home. Asphalt, shell, mulch, grass and gravel driveways are prohibited.

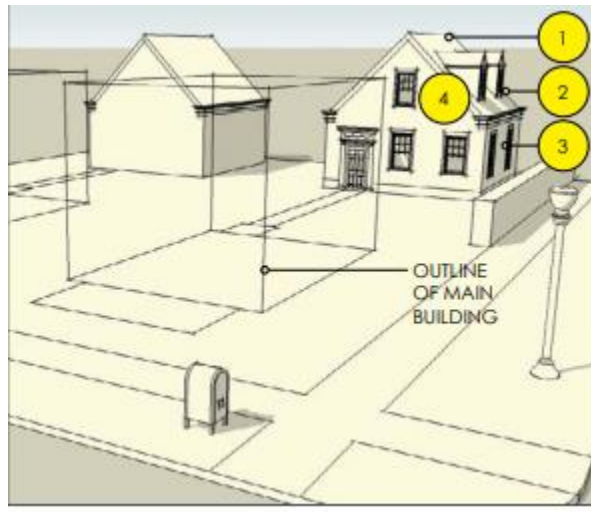
(e) Number of Units

1. Total of 1 unit per building

(f) Façade Composition Requirements

Building Type facade composition shall meet the following requirements and Diagram C

Diagram C Façade Composition Requirements

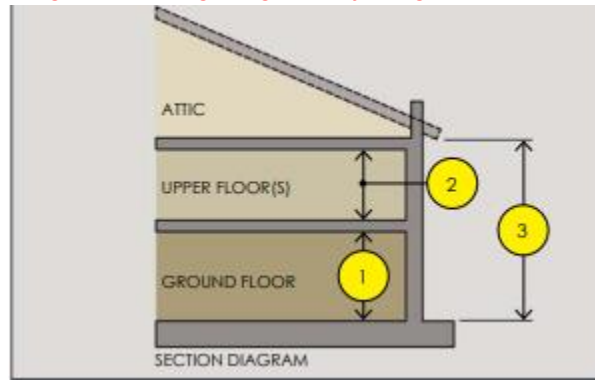


1. Building shall have a flat roof with cornice expression line or pitched (sloped) roof that is compatible with the architecture of the main building.
2. Transparency Upper Floor: Building facades facing streets shall have minimum 10% of the façade be glass between the finish floor line of the second story and bottom of the cornice expression line or bottom eave.
3. Transparency Ground Floor: Building facades facing streets shall have minimum 10% of the façade be glass between the adjacent grade and the finish floor line of the second story.
4. Upper windows shall be square or vertically proportioned with clear glass. Refer to definitions in Section 2009 for clear glass requirements.
5. Garage doors over 10 feet wide are not allowed.
6. Window color and finish should complement color and architectural style of house.
7. Accessory building's exterior finishes will be constructed of similar materials as the principal structure or traditional materials such as wood, wood lookalike, brick, or stone.

(g) Building Type Floor Height Requirements

Building Type floor heights shall meet the following requirements and Diagram D.

Diagram Building Height Story Height



1. Ground floor: Floor to ceiling height shall be 8 feet minimum.
2. Upper floors: floor to ceiling height shall as required by Building Code.
3. Overall height of Building Type is regulated by Zoning District, refer to Section 153.072

(109) Prohibited uses within detached accessory structures or accessory structures connected by a breezeway or similar structure in all districts except the R2 Zone:

- (a) May not contain features that form a habitable dwelling unit or create a second dwelling unit;
- (b) These structures may contain utility sinks, one bathroom, and refrigeration units. Full kitchen facilities that include a range or stove are prohibited; and
- (c) Rooms within accessory structures may be used for additional sleeping quarters for the owner, or resident, and their immediate family provided that these rooms may not be rented out as short or long term rentals for any length of time.

(119) Stand-alone carports are prohibited in all zones. Carports attached to existing structures shall meet the requirements of this chapter. Tents, wall tents, garages in a box and similar enclosures are prohibited.

(124) Permanent greenhouses shall be considered an accessory structure and meet the requirements of this section.

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Jennifer Neal, Planner

SUBJECT: Master Plan Update: Goals and Objectives

DATE: December 13, 2021

BACKGROUND

The Goals and Objectives document for the Master Plan has been updated based on feedback received at the November 22 Special Meeting. A draft copy has been included for your review.

ATTACHMENTS:

- ▣ Chapter 6: Goals and Objectives

6

Goals and Objectives

Public Involvement

The City is committed to engaging residents and creating a place welcoming to all residents and visitors of Charlevoix. Residents are encouraged to serve on public boards and bodies, participate in public meetings, and connect with City staff. Charlevoix's master plan was informed through these on-going engagement efforts as well as other targeted methods which sought to maximize public participation and solicit resident and stakeholder feedback. Very recently, in 2020 and 2021 the City underwent a number of separate initiatives and each included an opportunity for the public to participate in the process and have their voice heard. The input collected and the results of each individual effort by various boards such as the City, Planning Commission, Main Street Downtown Development Authority, and other public boards and bodies were included in discussions for the creation of this plan. A summary of these efforts is listed below.



- 2021: City of Charlevoix completes Redevelopment Ready Communities process and becomes Redevelopment Ready Certified. The Michigan Economic Development Corporation oversees the RRC process which empowers communities to shape their future by building a foundation of planning, zoning, and economic development best practices.

- 2021: Charlevoix Main Street and Downtown Development Authority hold the Charlevoix Downtown Futures program offered through the Michigan Main Street. Project consultant, Downtown Professionals Network, prepared a Market Analysis, survey including a visual preferences options, opportunities for reactivating downtown including concept drawings.

- 2021: City of Charlevoix updates five year Parks and Recreation Plan. Led by the City's Parks and Recreation department and consultant Beckett & Raeder, completed the plan update which included an updated inventory of parks and recreation facilities, updated goals and objectives, and priority projects for the planning period.



2022-2026
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- 2020-2021: City forms Housing and Business Park Initiative to connect key stakeholders, discuss community challenges to adequate housing, and identify potential solutions. Members of the Planning Commissioners joined a round table discussion with the HBPI where they completed a SWOT (strengths, weaknesses, opportunities, and threats) analysis of housing in the region. The SWOT analysis was completed on April 28, 2021. A follow up stakeholder meeting was held on July 12, 2021.

- 2021: The City conducted outreach for the master plan by attending the Charlevoix Farmers' Market on May 27, 2021. Staff met with residents and visitors to the market and heard input about what they love about the city.



- 2021: The City prepared a 40 question survey that was mailed to 3,485 utility bill recipients and was available electronically on the City's website as well as social media accounts. 637 responses were collected in total. 130 were received electronically and 507 responses were received via paper copies. The survey mailing had a 15% response rate. The survey was available during the spring and summer of 2021.

Smart Growth and the City of Charlevoix

Charlevoix is committed to the principles of Smart Growth, which is an initiative that began to evolve in the early 1990s. Its overall goal is to provide a framework for communities to grow in ways that support economic development and jobs; create strong neighborhoods with a wide range of housing, commercial, and transportation options; and achieve healthy communities that provide residents with a clean environment. The following principles are the foundation for achieving Smart Growth. More information can be found in Appendix .

1. Provide a mix of land uses.
2. Take advantage of compact building design.
3. Create a range of housing opportunities and choices.
4. Create walkable neighborhoods.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve open space, farmland, natural beauty, and critical environmental areas.
7. Strengthen and direct development to existing communities.
8. Provide a variety of transportation choices.
9. Make development decisions predictable, fair, and cost effective.
10. Encourage community and stakeholder collaboration in development decisions.

Both the Michigan Association of Planning and the Charlevoix County Future Land Use Plan identify the need and importance of Smart Growth and encourage municipalities to integrate these principles into master plans, land use regulations, and policies.

Master Plan Community Survey

Participants in the Community Survey recognize the challenges of maintaining and building stronger neighborhoods while supporting development through a variety of housing types. When asked to identify the top three issues the Master Plan should focus on the following three topics received the most votes:

1. Parks and Open Space (33%),
2. Neighborhoods (29%), and
3. Redevelopment of vacant and/or underutilized properties (27%).

When asked to identify the most desired type of new residential development to the City, survey takers identified one-family homes as the most desired followed by senior citizen housing and townhomes. Additionally, providing affordable housing was a consistent comment often mentioned as an “other” option for the desired type of new residential development.

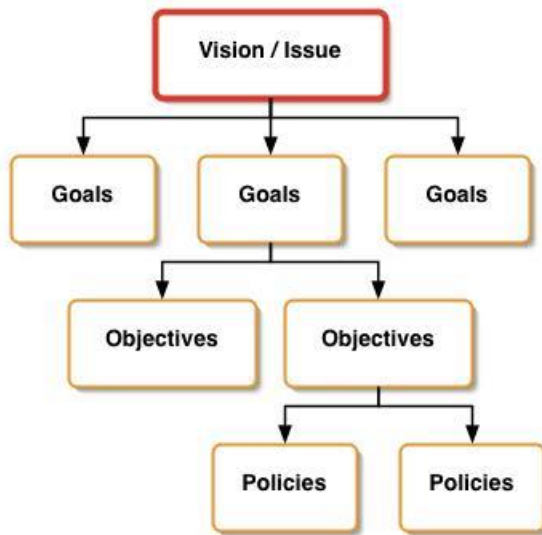


How this Chapter is Organized

The chapter begins with a short vision statement that describes community values and a future direction for Charlevoix. Following are six broad goals, which help define *how* the community will achieve its vision.

Each goal is further supported by more focused and specific objectives. Finally, for each objective, bulleted policies, or action items are identified that are to be completed over time to implement plan recommendations. Chapter 8 also contains an implementation matrix that outlines who is responsible for a particular action item, when it should be done, and which funding sources are available for its completion.

The following diagram shows how goals, objectives, and action items are organized:



The Vision Statement

Charlevoix will build on its distinctive character, downtown, and diverse neighborhoods, while respecting its unique setting and environment and creating a foundation for future economic prosperity and personal success. We collaborate with elected officials and other public bodies.

Community Goals, Objectives, and Action Items

GOAL: *Protect and enhance Charlevoix's small town character, unique downtown, cultural and historic resources, and scenic beauty.*

- 1) PRESERVE AND ENHANCE CHARLEVOIX'S UNIQUE SMALL TOWN CHARACTER
 - When making decisions consider the features contributing towards Charlevoix's character; identify how development regulations can best protect and/or enhance them.
 - Revise zoning regulations to encourage smaller scale development on commercial corridors with established maximum building sizes and parking away from the street side of buildings.
 - Work with area townships, including Charlevoix, Marion, Norwood, Peaine, Eveline, Hayes, and St. James on a regional plan.
 - Continue to enforce the nuisance ordinance.
 - Research the feasibility of establishing a rental inspection program.
- 2) ENHANCE SCENIC BEAUTY
 - Coordinate ongoing efforts with City staff, MDOT, Charlevoix County and surrounding townships, and seek public input to secure grant funding for Corridor Improvement Districts on US 31 and M-66.
 - Enforce existing landscaping design standards for commercial development, parking lots, and public lands including donation consistently.

- Support Keep Charlevoix Beautiful (KCB) and its petunia program, based on future budget considerations.
 - Continue to support the Shade Tree and Park Commission and expand the Tree Planting Program, based on budget considerations. Seek alternative forms of funding, such as donations and grants.
- 3) PRESERVE AND ENHANCE THE DOWNTOWN
- Support the efforts of the Charlevoix Main Street boards and volunteers as the program expands.
 - Involve and educate the general public, building and business owners, and the DDA about the potential demand for greater flexibility in the Central Business District zone's allowed uses.
 - Support local initiatives that preserve and enhance the downtown, such as trails and historic preservation, and focus economic development strategies and promotions appropriately.
- 4) PROTECT HISTORIC AND CULTURAL RESOURCES
- Continue to support the efforts of the Historic District Commission and the Charlevoix Historical Society.
 - Continue educating and supporting property owners about historic districts and seek to establish districts where there is strong support.
 - Support improvements and long-term maintenance of the lighthouse.

GOAL: *Maintain a diverse, regional economy that supports sustainable year-round housing and business development and enhances Charlevoix as a tourism destination.*

- 1) ENCOURAGE REGIONAL COLLABORATION ON ECONOMIC DEVELOPMENT
- Continue collaboration with the Charlevoix Area Chamber of Commerce, Visit Charlevoix (area's Convention and Visitors Bureau), local governments, and the business community regarding regional economic development.
 - Support efforts to implement the Regional Comprehensive Economic Development Strategy (CEDS) put out by Networks Northwest, designed to retain, grow, and attract new business.
 - Pursue goals and recommendations outlined in the Economic Development Strategy prepared by the Chesapeake Group and the Marketing Strategy and Economic Development Strategy compiled for the RRC process.
 - Aggressively market and provide incentives to businesses in emerging industries.
 - Support and promote technological advances, such as high speed internet and fiber optic networks in Charlevoix to encourage economic development.
 - Evaluate, and if necessary, amend the Industrial Tax Abatement Program so that Charlevoix remains competitive.
 - Coordinate with Charlevoix Township, community leaders, and property owners to plan for and promote future development.
 - Work with surrounding townships to identify other suitable areas for economic development; explore 425 agreements where appropriate.
 - Explore a program to waive or reduce utility extension, or hookup fees for businesses seeking to expand.
 - Continue to support and promote expanding Coast Guard operations in Charlevoix.



- 2) PROMOTE CHARLEVOIX AND THE REGION AS A VIABLE PLACE TO LIVE AND WORK YEAR-ROUND

- Encourage and utilize Placemaking strategies as a way to promote Charlevoix as a place to live and work full-time.
 - Continue to support and work with the Chamber, Visit Charlevoix, Recreation Department, and other community groups to promote events, festivals, and recreation opportunities.
 - Promote diverse and viable housing options by encouraging developers through housing incentives and flexible Zoning Ordinance requirements.
 - Work with the real estate community through the RRC program to help market Charlevoix to targeted groups interested in locating to the area.
 - Investigate options for regulating rental property within the City through a rental inspection program, licensing fees, lodging taxes or other means.
- 3) ENCOURAGE ECONOMIC SUSTAINABILITY AND GROWTH IN DOWNTOWN CHARLEVOIX
- Work with the Chamber of Commerce, Charlevoix Main Street DDA, and Visit Charlevoix to develop and implement a downtown marketing plan that serves to retain existing establishments, while attracting new businesses and residents to fill vacant or underutilized buildings.
 - Continue to support the Redevelopment Ready Communities program.
 - Support and expand current downtown winter activities and pursue other winter city recreational or promotional events.
 - Pursue goals outlined in the Downtown Marketing Assessment and Development Strategy prepared by the Chesapeake Group.
 - Support the Michigan Main Street Program and others as a way of encouraging economic development and providing tax credits for downtown redevelopment projects.



GOAL: *Work cooperatively with surrounding municipalities, governmental agencies, non-profits, and private sector organizations on a variety of issues.*

- 1) COOPERATE WITH CHARLEVOIX TOWNSHIP ON PLANNING AND ZONING
 - Hold annual meetings between the Charlevoix and Charlevoix Township, Marion Township, Norwood Township and Hayes Township Planning Commissions to discuss land use related topics and resolve any zoning issues.
 - For border areas and properties, coordinate land uses, zoning regulations and street extensions that expand the City's grid.
 - Cooperate with Charlevoix Township on an airport overlay district located around the Charlevoix Municipal Airport.
- 2) COORDINATE EFFORTS TO PROVIDE SAFE AND EFFICIENT TRANSPORTATION SYSTEMS
 - Host an annual meeting between the City, MDOT, Charlevoix County, and surrounding townships to discuss transportation-related issues, enhancements, and funding opportunities.
 - Work with MDOT to study summertime traffic counts, review potential options to alleviate related traffic congestion and evaluate development proposals that may affect US 31 traffic, in particular for areas where there is no secondary access.
 - Hire a qualified transportation consultant, if financing is available, to evaluate transportation issues and recommended enhancements.
- 3) WORK COOPERATIVELY TO ENCOURAGE AND FACILITATE ALTERNATIVE FORMS OF TRANSPORTATION
 - Evaluate the local transportation system and look to integrate "complete streets" policies for future infrastructure planning and design.
 - Increase public awareness and provide better signs that mark routes to promote walking and biking.
 - Establish a City wide and regional bike route.
 - Incorporate bike lanes into the design and future construction of streets and roads.
 - Work with surrounding communities and Charlevoix County in the development of a regional trail system to connect with Boyne City, East Jordan, and Elk Rapids.
 - Use current sidewalk inventory to prioritize new sidewalk connections and plowing.
 - Explore the viability of a multi-use transportation hub.



4) COORDINATE EFFORTS ON NATURAL RESOURCE PROTECTION

- Work cooperatively with all jurisdictions to adopt a unified Stormwater Control Ordinance for Charlevoix County.
- Work with the Charlevoix County Planning Commission to evaluate current and future industrial and/or mining operations that may impact natural resources and coordinate their appropriate locations and zoning regulations to minimize their impacts.
- Work with organizations like Tip of the Mitt Watershed Council, WATCH, the Little Traverse Land Conservancy, and the Lake Charlevoix Association to inform the public on water quality protection measures and conservation easements.
- Encourage a county-wide land bank or a transfer of development rights program.
- Coordinate Mt. McSaubia usage with Charlevoix Township.

5) CONTINUE TO PROMOTE OUR UNIQUE HISTORICAL TIES TO BEAVER ISLAND

- Continue to invest in the airport to enhance commercial activity.
- Address the future parking needs of the Beaver Island Boat Company.
- Coordinate the operations of the Beaver Island Boat Company with the Charlevoix Municipal Marina.
- Coordinate special events with the Charlevoix Chamber of Commerce and the Beaver Island Chamber of Commerce.

6) WORK WITH CHARLEVOIX SCHOOLS ON FUTURE FACILITY USAGE

- Work with the School regarding the future use of their properties within the City and Townships

GOAL: Provide high quality public services, infrastructure, utilities, and amenities to Charlevoix that are sustainable and cost effective.

1) PROVIDE HIGH QUALITY PUBLIC SERVICES AND INFRASTRUCTURE AT A LOWER COST TO THE TAXPAYERS.

- Study public service consolidation with surrounding communities so that costs can be lowered, while maintaining or improving quality.
- Increase municipal water, sewer, and electric users to spread out operational costs.
- Cooperate with surrounding townships to expand infrastructure into areas without public water and sewer that does not encourage sprawl, but provides opportunity for new housing.
- Integrate Geographical Information Systems and revise capital improvement plans to more effectively predict and plan for future infrastructure upgrades.
- Prepare a facilities master plan that reflects future improvements, new buildings, and consolidating the Electric Department and DPW as advised by consultants.

GOAL: Reflect high environmental standards in land use policies, public education and in the design of municipal facilities, utilities, and stormwater management systems.

1) IMPROVE WATER QUALITY PROTECTION

- Seek grant funding to complete a comprehensive study of the municipal stormwater management system.
- Continue to implement best management practices to address stormwater quantity and quality.
- Provide signs at the Marina and City boat launch concerning boat maintenance and measures to control the spread of invasive species.
- Coordinate with the DNR to provide proper signage regarding not dumping fish bait.
- Educate the public about ways to mitigate impacts on the stormwater system from lawn clippings, leaves and other organic waste.
- Closely monitor the municipal water supply system to minimize or prevent leaks and/or ruptures.
- Study options and consider implementing alternative methods of storing and collecting yard waste.

2) INTEGRATE ENVIRONMENTAL BEST PRACTICES INTO CITY UTILITIES AND OPERATIONS

- Promote the County Recycling Program.
- Consider more fuel efficient vehicles when replacing the City fleet.
- Explore need for additional electric vehicle charging stations.
- Continue to purchase electricity from renewable energy sources.

- Coordinate with the county and area townships to support renewable energy sources.
- Expand and improve the Energy Optimization Program by providing incentives and better educating residential and commercial users.
- Research the feasibility and potential grant opportunities available to power City buildings and facilities through alternative energy sources.
- Evaluate and test higher efficiency street lights.
- Continue to upgrade City facilities with energy features such as more energy efficient lights, motion sensing lights, and more efficient HVAC systems.

GOAL: *Encourage higher density, infill development and/or redevelopment consistent with surrounding land uses and neighborhood character.*

1) ENCOURAGE HIGHER DENSITY IN APPROPRIATE LOCATIONS

- Amend the zoning ordinance, and review Main Street Program recommendations to accommodate higher densities in appropriate neighborhoods and the downtown.
- Provide incentives for higher density developments in the downtown area.

2) PROMOTE INFILL DEVELOPMENT

- Review the Zoning Ordinance to allow for further subdividing and subsequent development of vacant land provided that it is consistent with the surrounding neighborhood.



CHARLEVOIX

11,016 sq. ft.

109 MASON STREET
Charlevoix, MI 49720

For pricing information,
please contact:
CITY OF CHARLEVOIX
(231) 547-3270

162 Feet (W)

68 Feet (L)

AVAILABLE PROPERTY

Sample taken from Charlevoix's Redevelopment Ready Communities program property information packet.