

VILLAGE OF NORTHPORT
PLANNING COMMISSION
116 W. Nagonaba St.
Wednesday March 16, 2022
Draft MINUTES

Call to Order, Roll Call

Chair Arbury called the meeting to order at 7:00 p.m.

Members present: Arbury, Cavendish, Newell, Gale, Caudill and Wessell.

Public Present

Chris McCann, Anne Harper

Staff Present

Recording Secretary-Sarah Murphy, Zoning Administrator- Joni Scott

Approval of Agenda

Addition or corrections to March 16,2022 agenda: none

Approval of Minutes

February 16, 2022, meeting minutes were approved as amended, **moved by** Commissioner Cavendish, **supported by** Commissioner Gale, **motion carried**

Correspondence

Correspondence regarding e-coli from David Brigham. This information has been provided for consideration. (Document in 3/16/22 Dropbox.)

Email from Will Harper, November 2021 “Thoughts and Ramblings on 7th Street” (Document in 3/16/22 Dropbox)

Public Comment

No public comment.

Old Business:

Discussed and updated Planning Commission Work 2022 (Document in 3-16-22 Dropbox)

- Master plan – The PC needs to address the Master Plan in 2023, which according to Commissioner Gale will likely include revisions to our current plan. Complete rewrites should

happen every 10 years. Commissioner Gale mentioned the need/value of being aware of similar work in Leelanau Township. Preliminary overview scheduled for June PC meeting.

- Tree Committee – Commissioner Newell reported that work continues Northport receiving Tree City USA designation, and though many of the steps are already in place, he noted the following aspects still need completed. They are as follows:
 1. Application for Tree City to be completed by end of 2022.
 2. Northport needs to have a Public Tree Ordinance in place. This ordinance does not have to be in place prior to Arbor Day but must be in place by the end of the year. Committee recommended that it be clear in the title and ordinance that it will only pertain to trees on public property. The tree committee will review sample drafts provided by the Arbor Day Foundation and make a recommendation to the full Commission.
 3. Northport needs a Tree Body in place, perhaps as a sub-committee of the planning commission. Committee recommends including a DPW representation and possibly 1-2 at large citizens.
 4. Arbor Day is April 29th, 2022 and must be observed by the Village of Northport and include a village proclamation. This will include a small ceremony, and the planting of a tree in the village.
 - a. Location for the tree planting, the sourcing of the tree, and the ceremony details are ongoing with the village president and the tree committee. Those decisions will be finalized soon.
 - b. The village must issue a Village Arbor Day Proclamation, approved and signed by the President of the Village. A draft of the proclamation was shown at meeting and will be revised and presented to the council at the April Village Council meeting (draft copy located in March 16,2022 Dropbox).
 - ✦ Commissioner Newell **moved** Requesting that the village council make an official proclamation to celebrate Arbor Day and to support efforts to protect our trees and woodlands, **seconded** Commissioner Caudill, and amended by Commissioner Gale, **motion carried (6) yeas (0) nays.**
- Short Term Rentals – 28 applications have been submitted. Overview and discussion are scheduled for May PC meeting.

New Business

7th Street Fact Finding - Chair Arbury shared the following statement to frame the work ahead:

Charge: To make a recommendation for use of the 7th Street property currently owned by the Village. After a thorough review of available information, the goal will be to bring forward a potential plan, or plans, for use that are in keeping with our Master Plan and current zoning ordinances.

General comments from commissioners included: Make sure any recommendation aligns with Master

Plan and maintain objective goals. Purpose is to not focus on emotional context. It was suggested that the PC continue to track and summarize correspondence regarding supports and concerns. Possibly develop a rubric to vet ideas and be consistent.

7th Street Document/Information Gathering Review (revised list on March 16, 2022, Dropbox. All documents in the 7th Street Dropbox on the PC page of the web site):

1. PC Chair 7th Street Property Report (Doreen Tyrell), 9/19/19
 - a. Brief review of document and its purpose.
2. Gerald Schatz 7th Street Property Report (Citizen Task Force), 12/16/19
 - a. Brief review of document, its key points, and purpose.
 - b. Specifically noted his conclusion summary and the questions posed after his review and efforts. Discussed potentially addressing and answering these questions as a guide to navigate the options for the property's use.
 - c. Mentioned that the studies and reports generated by the village and/or hired professionals in response to these questions be examined by our committee and used to help guide our answers and conclusions.
 - d. Specifically discussed the report's "How to bound the problem" section on page 2 of the report. Committee clarified that the sale of the property is not for the planning commission to decide, but that the job of the planning commission is to make recommendations to the village council on land use. ZA Scott also clarified that the village council has requested the planning commission review this property and possible uses.
3. 7th Street Property Development Timeline, 7/19-10/21
 - a. Outlines the votes and village process thus far.
4. Release of Reverter Quit Claim, 2018
 - a. Specifically discussed the paragraph near the bottom of page one of the document, that discusses the "non-payment of taxes and special assessments" in the event the village were to sell the property. This led to questions about what the total tax bill may be, if the property were to be sold. ZA Scott is going to inquire with Michelle Crocker if a dollar amount for that aspect could be generated, or if any of those township taxes could be waived.
5. Village Council Resolution, 2018
 - a. The resolution was to release the reverter, passed by Village Council January 4, 2018.
 - b. ZA Scott clarified that the village of Northport went through the release of reverter process twice. After the first attempt in 2017, they learned there were errors in the initial attempt, and then completed the process a second time, correcting the issues and receiving the Quit Claim Release of Reverter.
6. Ross Hammersley Email – 7th Street Deed Legalities, 3/16/22
 - a. Reviewed his opinion on the legalities of the release of reverter on the property and his confirmation/conclusion that the village is legally permitted to use as desired, including sale of the property.
 - b. Noted that Mineral Rights will accompany the property in sale and cannot be separated.

7. 7th Street Property Survey, 9/4/20
 - a. Committee requested that the survey used for review be updated to a prior version that does not have the possible 4 lots and road drawn on it.
 - b. Committee inquired whether the abandoned easements from the former railroad have any remaining rights, and if not, could they be removed for simplification of the survey map. ZA Scott will check with the surveyor.
 - c. Discussion on the section of the property that houses the lift station and will remain with the village for that use. Discussed adding that Quit Claim Deed and land division in the 7th St timeline and 7th St Dropbox. ZA Scott will verify with the county on the timing for the split to appear on their county parcel map.
8. Quit Claim Deed – Lift Station Parcel, 10/13/21
 - a. ZA Scott explained this deed was created to clear the property and identify what was needed for the village sewer and what areas were available for other uses by the village.
 - b. Adding to 7th St timeline and 7th St Dropbox. Trustee Gale will review and add the approval of the land division resolution to the timeline.

All remaining documents on 7th Street Information Gathering List to be reviewed at April PC Meeting, they include Wetland Delineation Report 7/29/20, Report of Geotechnical Exploration 7/30/20, Phase I Environmental Assessment Executive Summary 7/30/20, Phase II Environmental Site Assessment Report 1/7/21.

It was determined that the engineering study pertaining to the development of the lots, should perhaps also be included in the 7th Street Dropbox, so that will be placed for review at next meeting as well.

Discussed thoughts and questions to consider prior to next month's review of upcoming documents:

1. Committee requested that we bring environmental expert Jeff Sisema (Gosling Czubak) for a layman's summary and commissioner questions at April PC meeting.
2. Committee is going to work to generate any technical questions to provide to Jeff Sisema (Gosling Czubak) prior to the April PC meeting.
3. Committee requested that village attorney (Ross Hammersley) provide an opinion on the environmental factors and questions pertaining to the use of the property for the April PC meeting.
4. ZA Scott will contact and work to coordinate above mentioned requests.
5. Discussed the option of requesting an Environmental Phase III study to cover ground water pollution and removal of drain field near sanitation station, as mentioned in Phase I & II studies. No consensus was made at this time but will be evaluated again moving forward.

Election of PC officers

Planning Commission bylaws call for election of officers (Chair and Secretary) each March

Chair – Commissioner Newell **moved** that Nicole Arbury remained chair, **supported by**, Commissioner Gale, motion carried **(6) yeas (0) nays**

Secretary - When asked, Kathy Wessell expressed a preference to no longer remain as secretary. Commissioner Gale nominated and **moved** that Laura Cavendish become the PC secretary, **supported by**, Commissioner Wessell, motion carried **(6) yeas (0) nays**

Terms are from April 2022 until March 2023

Zoning Administrator Report

Joni Scott discussed the new Land Use Permit. The new permit is more specific and provides the Village with additional needed information, including elevation drawings, scale, construction staging, etc. Commissioners discussed the following recommendations.

- Suggested alerting LUP holders that their permit may be discussed in public meetings
- Suggested asking for a photometric schematic for outdoor lighting
- Suggested photos be taken before and after to record potential public property damages by contractors. Trustee Gale mentioned this coincides with revisions of the village ordinances touching on this, being completed in upcoming Finance meetings.
- Suggested looking at fee schedule for LUPs, e.g. commercial vs residential, square footage vs time required for permitting
- Suggested adding a "Revised on {date revised}" to the bottom of the document

ZA Scott brought up an issue that has been recurring for her, with projects that don't require a LUP, but contact her for a letter or proof stating as such (e.g., an interior remodel). A discussion about whether creation of a permit or standard letter for those situations was warranted, and if there should be a fee for that service. No decision was made at this time.

ZA Scott reported that a variance has been requested for a new home build on 5th st but connects through to E 6th street. The request is a 3-foot variance for an entryway/step on the side yard. It is a very narrow lot, 50'x101', and that is the reason for the request. The variance report will be forthcoming.

****Commissioner Newell moved**, to extend the meeting to complete the agenda, **supported by** Wessell, **motion carried (6) yeas (0) nays**

Infrastructure Committee Report

Chair Arbury summarized topics discussed from the Infrastructure Committee Meeting earlier in the day. (See summary in PC March 16, 2022, Dropbox)

Trustee Report March

Commissioner Gale provided report, she specifically noted that the Cars in the Park is back on this year. (See full report at villageofnorthport.net PC packet 3-16-22)

Public Comment:

Anne Harper shared concerns regarding the zoning setbacks for 2 story garages or accessory buildings. She urged the PC commission to review and update those ordinances as soon as possible before another garage or accessory structure with a small setback is built.

Commissioner Comments:

ZA Scott confirmed that the Wade Trim zoning ordinance revisions should be received soon and will be reviewed and discussed by the planning commission starting in April. She added that there will likely be a special meeting scheduled, 2.5 hrs. with concerns about second floor accessory buildings being addressed in those discussions.

Commissioner Cavendish inquired if the village council, who acts as the ZBA (Zoning Board of Appeals) in Northport, could schedule an educational or presentation on their role and the process, procedure, and function of the Zoning Board of Appeals.

ZA Scott and Trustee Gale agreed that education was key and clarified that the definitions and outline of the ZBA process and role is outlined in the zoning ordinances. They also noted that those parameters are included in the forthcoming variance request report, and those will be available prior to the scheduled ZBA.

Chair Arbury inquired if Northport had considered having outside members serve on the Zoning Board of Appeals.

Commissioner Wessell shared information for upcoming training opportunities. She will share the link with the committee, and it will be shared with the council as well.

Adjournment:

Chair Arbury requested a motion for adjournment. Commissioner Motion to end meeting.
Commissioner Newell **moved, seconded** by Caudill, **Motion carried.**

Meeting adjourned at 9:18 pm

Next Regular Meeting – Wednesday April 20th, 2022 at 7PM

Respectfully submitted,

Sarah Murphy, Recording Secretary

* all reports are in March 16, 2022 packet on website: villageofnorthport.net

** Meetings are mandated to be conducted within 2 hours unless extended past 9 PM by vote.