

VILLAGE OF NORTHPORT  
PLANNING COMMISSION  
116 W. Nagonaba St.  
Wednesday, August 17, 2022  
Draft MINUTES

*Note: Due to technical difficulties the Zoom recording is not available for this meeting.  
An audio recording is available by request.*

**Call to Order, Roll Call**

Chair Arbury called the meeting to order at 6:01 p.m.

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

**Public Present**

Anne Harper

**Staff Present**

Zoning Administrator- Joni Scott

**Approval of Minutes**

July 20, 2022 meeting minutes were approved as amended, **moved by Commissioner Newell, seconded by Commissioner Cavendish, motion carried**

**Approval of Agenda**

Addition or corrections to August 17, 2022 agenda: Discussion amongst commissioners and chair about when 2023 Capital Improvement Projects (CIP) discussion and any possible re-zoning. CIP will begin at the September 2022 PC meeting, per ZA Scott re-zoning discussions are anticipated to occur when meeting with Arthur Mullen from Wade Trim, as he works through our zoning revisions with us.

**Correspondence**

Commissioner Cavendish sought clarification about correspondence and will forward multiple emails re: Mill Pond to ZA Scott to get into the appropriate dropboxes.

Chair Arbury shared correspondence with Trustee Ager about Short Term Rentals (STRs) and policies in the village. Essentially, Trustee Ager's wanted an update on what, if anything, the planning commission is doing to address STRs within the village. Trustee Ager's general concern is over the need for more long term rentals and what we as a village can do to facilitate that. Chair Arbury provided Trustee Ager with a recap of Commissioner Wessell's report from the regular May Planning Commission (PC) meeting and shared the Planning Commission Work Timeline\*.

**Public Comment**

Anne Harper shared that she feels the Planning Commission (PC) should be reviewing and involved in the Mill Pond dam/creek issue and should be comparing the issue to the village master plan and recreation plan. She feels village commitments to the environment and long term impacts need to be considered. She stressed that there is a plethora of funding available right now, but there may not be in five years time and that the village should be proactive about this issue. She also stated that she is concerned that though we are working to amend zoning, that no amendments have been made at this time, and might not be in the near future. She feels encroachment on setbacks with accessory buildings are a real problem with new builds in the village and would like a copy of the revised zoning sent to her once it is law.

## Old Business:

### Review Planning Commission Work Document\*:

Chair Arbury briefly reviewed the list and noted that there is a Tree Committee meeting this coming Tuesday, August 23rd at 1pm.

### 7th Street Review\*\*:

*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, environmental regulations, and current zoning ordinances.*

### Phase 3 Environmental Study, Remediation, and Brownfield Funds:

Started with clarification that a Phase 3 Environmental Study and remediation should be completed prior to any sale and that when that was estimated previously, it indicated that it could be upwards of \$30,000.

Commissioner Gale provided a summary of her and ZA Scott's conference call with Trudy Galla (*director of planning for Leelanau County*) about the opportunities for Brownfield Redevelopment funds for use on the 7th Street property. The conversation was very encouraging. They learned that although village attorney Ross Hammersley previously stated that Brownfield funds can't be used to reimburse retroactively, Trudy seemed to indicate that may not be the case, and the village may be able to apply and recover some of the previous costs associated with the Environmental Studies 1&2, as well as costs for Phase 3 moving forward.

ZA Scott clarified that the village would need to submit the following to learn what reimbursement we would be eligible for:

- Appraisal
- Basic plan for the use of the property (*not a formal approved site plan*)
- Phase I Application and \$500 fee (*once 1st application is approved a second round application and fee is required*)

The Brownfield authority need to know what the ultimate value of the property may be once re-mediated, because it is a TIF (Tax Increment Financing) program. Meaning that they're capturing taxes from the development after it is complete, to reimburse the costs invested. Therefore, some plans may have more expenses available to recover. Options that will not generate tax revenue may not have any reimbursement available.

Since this property is a village-owned property and there has been no tax revenue generated up to this point, they likely would like to see some portion sold, so it could begin to generate tax revenues. Until their costs were recovered they would retain a portion of the taxes generated, and the village would retain the remainder of the tax revenue.

Commissioners asked ZA Scott and Commissioner Gale to clarify with the Trudy Galla what the criteria for this is, so commissioners can use that as information for consideration when reviewing use options for the property.

Commissioner Gale added that there are also opportunities to work with the county land bank. The village might consider retaining the first portion and selling the remaining portion to the land bank for a dollar. Then the land bank would have additional funding resources that the village could collaborate on development (*Homestretch, Habitat, etc*), such as an attainable housing development with single family homes. Tossed around ideas to get a sense of where we might have access to revenues that would not come from the village treasury.

The logical conclusion was that the next step is appraisal, and laying out the options so we can create a recommendation to go to council. Council would then need to select and approve a plan so that the brownfield application could be started.

### **Appraisal:**

ZA Scott shared she still only has the one response for appraisal of \$5,000 (*which is not currently budgeted*). She feels it would be helpful to know if we're going to move forward with multiple lots, so we aren't wasting the appraisers time. If we could narrow the scope (*which is currently five different options and splits on the lot*), it might make the process easier, and it would very likely reduce the cost of the appraisal.

Chair Arbury reiterated that having the comparison of these different options could help the council in forming their decision for the property. She also questioned if there were options we could eliminate based on our recent meeting discussions. For example, could we safely assume based on information compiled and our recent discussions, that the first lot on the South end of the property should be retained by the village in all scenarios (*which is also the lot with contamination*), and therefore could be removed from the appraisal.

Commissioner Cavendish asked if we should consider compiling a list of what the specific options or choices we've been discussing are. Commissioners discussed if the south "lot" were retained, perhaps it could continue to be village parking/boat trailer parking, but designed as such with landscaping included. This would also allow the village to retain the lot with the contamination to manage and re-mediate.

Further discussion over the importance of knowing the value of the lot. Commissioner Cavendish commented that it seemed the value was significant, because if the financial value is not very high, than it likely may not outweigh the natural and recreational value to the village long term. Chair Arbury and Commissioner Gale wondered if the we could reduce the list of options requested to be appraised, while still keeping this thinking in line. Discussion over just asking for the appraisal of the four lots, which would give the commission numbers to work with, to combine and look at in different ways.

Commissioner Newell proposed that what if "Lot 1" on the property was retained and redesigned as overflow parking, "Lot 2&3" were developed as attainable housing or sale, and "Lot 4" remained a natural area that the village could enhance and maintain as a nature area since it has a creek through it.

Commissioner Woomer suggested, that since it seems likely we could be approved for Brownfield Funding, but it just can't be approved until a plan is presented, that perhaps we should approach all options on the assumption that they are clean and re-mediated.

ZA Scott reported that the appraiser already shared that if we put in the road and utilities would that increase the value. Chair Arbury asked if we should consider asking what it would appraise as with just driveways off North Shore Drive, to remove the infrastructure costs. Commissioner Gale felt that it would then disrupt the vegetative barrier and increase traffic issues on North Shore Drive.

Commissioners conclusion was that an appraisal is clearly needed to pursue Brownfield funds. Commissioner Gale clarified that appraisal doesn't bind us to selling any of the lots.

Planning Commission is asking for approval from the council to seek an appraisal of the four lots surveyed on the 7th Street Property **moved by** Commissioner Newell, **seconded by** Commissioner Woomeer, **motion carried**. Commissioner Cavendish requested that when Commissioner Gale presents this motion to council, that she clarify no decision for use has been reached by the planning commission or council, and though the appraisal is now merely on the four lots, the reasoning for that decision is for financial prudence, and that we intend to use the information in a number of ways. Multiple commissioners agreed.

### **Property Use Ideas and Public Outreach and Awareness:**

Commissioners discussed the best way to generate and compile the ideas for the properties use, both from the commission and from the public. Commissioners agreed that we need to be as proactive as possible in our outreach. The timeline for this outreach was discussed and as with previous discussions, it was agreed that if a public meeting is scheduled, we needed to ensure it occurred prior to the winter months.

Commissioner Gale suggested an open house at the Golf Course to gather public input and share the ideas being considered and compile a list of any new ideas suggested. Not a formal presentation but an opportunity to allow people to comment on the options and have a written record. Concerns arose over the possibility that people would feel they're voting and that isn't the purpose.

Commissioner Cavendish, Caudill, and Wessell stressed that they feel we should do a direct mailing to be sure we are being inclusive and generating a thorough list of ideas, that we can then evaluate and compare to all the metrics we have discussed and reviewed.

Chair Arbury felt that she would be more comfortable having the list of options for the property generated and reviewed and considered against the metrics in our charge, before planning and hosting a public meeting to review.

This led to a discussion of creating a postcard to send out to all residents in the village. Discussion concluded that if our goal was to schedule a public meeting by October, we need to have responses back by our September 21st meeting, so that we could discuss options and generate the list to present in the public meeting.

Commissioner Caudill wanted to clarify what the goal of the postcard is, is it just to generate ideas, or is it also about awareness? Commissioners agreed the goal was both. Therefore, we want to create a synopsis on the postcard, the current options being considered, a link to a summary and documents, and a prompt to share any further thoughts or ideas. Commissioners agreed it should help us achieve our goals for outreach and give the public opportunity for input.

Commissioner Newell also suggested that we create a digital presentation reviewing everything we have learned and reviewed and discuss the ideas and our thoughts on those. Commissioners felt that this might be too much for the postcard, but discussed that perhaps we could consider this route for the public presentation so that it is available to those that are unable to attend in person.

Commissioner Caudill and ZA Scott volunteered to create the postcard and get it to the printer within

the next two weeks, with the goal to receive responses prior to our regular September PC meeting. Commissioners agreed that Commissioner Cavendish would create the summary for the web site link.

Postcard will include:

- Link to dropbox and overall summary review
- Solicitation of ideas
- Public response timeline

Commissioners plan for the regular PC September meeting is to start reviewing responses and perhaps creating a rubric to study and weigh options for the property.

### **Zoning Amendments, continued review of Articles:**

Commissioner Cavendish requested to touch back on Article 18 (*discussed in last months regular pc meeting*). She sought to clarify what Land Use Permit (LUP) applications will require a Site Plan Review before the Planning Commission, once our amendments discussed last meeting are implemented. Would all LUP applications now require a site plan review, or still just the zones and uses currently requiring Site Plan Review (*18.02 - Commercial, Industrial, Special Uses, etc*). Conclusion was that it may be beneficial in some residential applications to have a site plan review, so asking Arthur Mullen (Wade Trim) to give insight and possibly consider language that allows the Zoning Administrator (ZA) to require site plan review for residential zones at their discretion/when necessary.

**Review of Wade Trim revisions from April 26, 2022 - Articles 19-24:** *Notations listed are on language revisions that commissioners felt require additional questions, changes, or do not agree with. Wade Trim recommendations within the Articles 19-24 of the draft that are not listed below, commissioners agreed were acceptable as revised.*

Page 106: 19.03.1. Commissioners questioned what the thinking for changing one (1) acre to five (5) acres is. Discussion about how many build-able lots even exist within Northport that are over five acres. Commissioners agreed that unless further explanation or rationale from Wade Trim revealed new considerations, that the ordinance should remain at one (1) acre.

Page 109: 19.07 Commissioners would like to ask Arthur why is this considered rezoning? And why would it not stay with the Planning Commission, because if appealed, that would then go to the village council.

Page 116: Article 20. Chair Arbury posed a question about the village Zoning Board of Appeals (ZBA) member make-up. A discussion about the way the Northport village ZBA board is comprised (*village trustees*) versus what many other areas implement, which is a separate nominated board. Discussion over how that would change the ex-parte communication for the ZBA members when they are no longer elected, and how the appointment process could bring individuals with varying knowledge to the ZBA board. ZA Scott clarified that it isn't the planning commissions position to make a recommendation for change of the ZBA board, so Commissioner Gale stated that she could pass along the discussion at the next village council meeting during her PC report.

Page 119: 21.09.3.b. Commissioners questioned if the amendment inserted is typical language used? It seems ambiguous and that the terms "spirit" and "substantial justice" could have very different definitions depending on who's viewpoint you are coming from. Seeking clarification and further explanation from Arthur Mullen.

Page 124: 22.04.7. Would like to add language. "Any changes to the plan/application after initial approv-

al shall be submitted as a revision to the village zoning administrator for updated approval.”

## **New Business:**

### **Form Based Code Updates:**

ZA Scott summarized a three hour tour that ZA Scott, Chair Arbury, Commissioners Woomer and Caudill had with Chip Smith (Wade Trim) throughout town on Monday, August 15th. The purpose was to give Chip a feeling for the community and a sense of our village. They toured via golf cart and walking, visited the north side of town (DI), the old hospital area and Highlands, downtown, etc.

There were discussions about vacated commercial buildings and what could be done to assist businesses to prevent that. Had a discussion about a possible DDA (Downtown Development Authority). Discussion over M201 and the possibility of the village taking ownership also came up. Chip shared his thoughts from a design and control issue and urged the village to consider taking ownership. He also shared concern over the condition and size of the sidewalks on Waukazoo Street.

Chip was very receptive and engaged, took a lot of notes and photos and spent more time on his own touring the town. He would like to meet with the planning commission as a whole in about 4-6 weeks and share some sketches and preliminary work, to see if he's on the right track.

**\*\*\*Motion to extend meeting to complete agenda - moved by Commissioner Newell, seconded by Commissioner Gale, motion carried**

ZA Scott will check to see if Chip or Arthur could be ready to present the initial sketches at our regular September PC meeting via zoom to reduce travel costs and fees and to provide more clarity for sound and images to public attending the meeting. She was also tasked with seeking their availability for a special meeting in person, to review Accessory Dwelling Units (ADUs) and other questions the commission has gathered in our first review of the zoning ordinances.

### **Zoning Administrator Report:**

ZA Scott reviewed - report found on the village web site in the PC August 17, 2022 Meeting Packet Dropbox

### **Infrastructure Committee Report:**

August Infrastructure meeting was canceled. Chair Arbury and Commissioner Cavendish quickly noted that the road striping on Waukazoo Street had been completed.

### **Trustee Report - August:**

Commissioner Gale reviewed - report found on the village web site in the PC August 17, 2022 Meeting Packet Dropbox

### **Tree Committee Report:**

Commissioner Newell noted that they are working on the public tree ordinance and folding memorial language into the wording. Going to be working on the list for volunteers, food, etc for the Re-leaf Project in October. He asks that everyone spread the word about volunteering and asks that anyone interested just contact and let him know. Hoping to generate about 40 volunteers. Finally, he added that they will be discussing the Christmas tree.

**Public Comment:**

no public comment

**Commissioner Comments:**

Commissioner Newell shared thanks to Chair Arbury for successfully leading the commission through the first draft of zoning revisions.

**Adjournment:**

Motion to Adjourn - **moved by** Commissioner Newell, **seconded by** Commissioner Wessell, **motioned carried**

**Next Regular Meeting - Wednesday, September 21st, 2022 at 6pm**

Respectfully submitted,  
Laura Cavendish, Secretary

*\* all reports are in August 17, 2022 packet on website: [villageofnorthport.net/planning-commission/](http://villageofnorthport.net/planning-commission/)*

*\*\* all 7th Street Documents are in the 7th Street Document Drop Box on website: [villageofnorthport.net/planning-commission/](http://villageofnorthport.net/planning-commission/)*

*\*\*\* Meetings are mandated to be conducted within 2 hours unless extended past 8 PM by vote.*