

VILLAGE OF NORTHPORT
PLANNING COMMISSION
116 W. Nagonaba St.
Wednesday, September 21, 2022
Draft MINUTES

Note: upon request a Zoom recording is available for this meeting.

Call to Order, Roll Call

Chair Arbury called the meeting to order at 6:04 p.m.

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

Public Present

none at meeting start

Staff Present

Zoning Administrator- Joni Scott

Approval of Minutes

August 17, 2022 meeting minutes were approved, **moved by** Commissioner Newell, **seconded** by Commissioner Wessell, **motion carried**

Approval of Agenda

no additions or revisions

Correspondence

Chair Arbury provided copies of email correspondence she received from David Brigham - a guest opinion from the Northern Express, written by Karen Mulvahill on Sustainable Tourism.

Chair Arbury shared email correspondence she received from Anne Harper voicing frustration with reviewing the zoning ordinance revision minutes and notes, as well as concern over the 4th St drainage issue and how it ranks or places within the Capital Improvement Plans (CIP).

Public Comment

none

Old Business:

Review Planning Commission Work Document*:

Chair Arbury shared that she is continuing to check, adjust, and add to the work list as needed.

Commissioner Wessell asked if the Short Term Rental (STR) discussions had a time-frame for working on next steps. She mentioned that we had been waiting to see how the summer went, and to see if there were any major issues with the village ordinance and registration as currently in place. The summer has seemingly passed without any major incidents. Commissioners agreed to add it to our December or January agenda for discussion and possible review of the next steps and the proposed "Good Neighbor Policy." This time-frame will also allow us to see if any action is taken at the State level on their STR bill during their lame duck session.

Zoning Amendments:

Chair Arbury directed commissioners attention to the zoning revisions table (*recently updated and*

reviewed by ZA Scott, Chair Arbury, and Commissioner Cavendish) and the agenda for the upcoming September 28th Special PC meeting. The table reviews all the aspects that need further review or discussion, either amongst commissioners or with Arthur Mullen at Wade Trim. Completing the review of this led to the priorities on the special PC meeting agenda, so that the time with Arthur Mullen is effective and well spent. Chair Arbury asked commissioners to review the proposed agenda and share any questions or thoughts. All commissioners felt the agenda was good to proceed.

ZA Scott updated the commissioners on Wade Trim's progress on the Form Based Code work, sharing that a zoom meeting with Chip Smith wouldn't happen this month, but would be planned in the near future. Commissioners asked ZA Scott to inquire if there was any information or portion of the presentation he could send ahead for commissioners to review prior to the meeting, and if he had questions for us, if he could send them in advance so we can all be as prepared as possible.

Commissioner Cavendish asked for clarification on the timing of public hearings for approval of the zoning ordinance revisions. As a member of the council, Commissioner Gale felt that waiting to include all Form Based Code revisions, would perhaps be overwhelming for trustees to review all at once, and that breaking the revisions into sections for approval may be a better plan. ZA Scott felt that guidance from our planners at Wade Trim on their recommended approach might be advisable.

Commissioner Cavendish wondered if we could at least get "Article 2 - Definitions" into a public hearing and approved. Commissioner Gale agreed that approving definitions would be a good place to start, but also felt that we may want to lump Article 2 and Article 3 - General Provisions together for approval, as they affect many aspects of all articles after them.

Chair Arbury summarized that we would seek guidance on how to best proceed with adopting revisions, from Arthur Mullen at the end of our Special September 28th meeting. Commissioners then also discussed how the public hearing is run, when public comment is, and how it is approved. Chair Arbury clarified that once approved at the planning commission, the document goes to the Village Council, who can then approve, amend, or send back to the planning commission for further revision. ZA Scott shared Article 22.06

- 1. The Planning Commission shall forward its decision, a copy of the minutes of the Public Hearing and the proposed amendment to the Village Council with its recommendation for approval or denial within thirty (30) days of the date of the Hearing.*
- 2. The Village Council shall consider the amendment request, the Planning Commission's recommendations and all comments made at the Public Hearing; and shall make a decision to approve, deny or approve with conditions the request, stating the reasons for its actions.*

Chair Arbury requested that Commissioner Gale ask council members at their October meeting if they would like to begin to review or share thoughts on moving into the steps of adopting portions of the zoning amendments.

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.

Appraisal Update:

ZA Scott shared that she had reached out to the appraiser to let him know it was moving forward, but had not heard back yet. Commissioner Cavendish asked for clarification as to whether or not there

would be savings from the \$5,000 estimate for the appraisal. At last month's meeting the commission decided to change the appraisal request to just one option, versus the five different options previously discussed, so we could reduce the cost of the appraisal. However when presented to council, it was presented and approved as up to \$5000. Commissioner Cavendish stressed that if the appraisal of just the one option wasn't a significant savings off the 5k estimate, than she would want to see all five options originally requested and bid. ZA Scott said she would verify the cost for the one option being appraised and would not approve work that was going to be \$5,000 if it wasn't all five options.

Chair Arbury explained that there is a one page flyer going out to residents, seeking feedback from the public on ideas and suggestions in writing. The deadline for public responses is the regular November 16th, 2022 meeting.

Survey Discussion:

Commissioner Cavendish requested a discussion on the DPW Lift Station property split. She shared information she learned about why the split wasn't complete on the county parcel map and asked if a recommendation to council was required, or what needed to occur. ZA Scott stated that she would follow up with the assessor, because she believes it should be complete, as the process was completed with village legal council (*Ross Hammersley*). ZA Scott further explained that since it is a public utility it can be split as it was, because it will never be developed. She also clarified that the lift station portion is a non-conforming lot, but that the village can create that for itself, despite being in a R2 zoned district. Commissioner Cavendish asked if it did still need a land division completed by council. ZA Scott stated that it did not, because there was no Land Division Ordinance (*adopted in Dec 2021*) in Northport when this split was completed. She further explained that the land division split was outlined in the John Korr contract that was approved by council.

Ideas for Use:

Chair Arbury mentioned that at the recent Parks & Trails meeting there was a suggestion to use the space for a frisbe golf course.

Chair Arbury also wanted to discuss the idea of attainable housing:

- Do we as a committee have enough information to add that to the list of possible uses?
- Do we know what executing that idea would take?
- What steps would be involved and what would the village need to do to reach that goal, if set?

This led to a discussion on how many options and paths you can take with attainable housing developments, and that we should seek out more information from experts working in that field. Commissioners discussed and agreed that the Master Plan stresses the importance of providing attainable housing and therefore warrants further investigation into those options.

Chair Arbury shared that she had previously understood that if you wanted to build attainable housing with Habitat, etc, that it required you to donate the property, but has since learned that this isn't the case, and that you can still potentially sell and partner with these housing organizations to bring attainable housing in. She therefore agreed with commissioners that this is a situation where we need more information and facts on how it could proceed in this specific case, if pursued.

Commissioner Gale shared that in her meeting with Trudy Galla, they discussed the possibility of partnering or including Habitat, Homestretch, or a housing organization as part of the plan for a Brownfield redevelopment.

Chair Arbury suggested that we look to consider scheduling presentations by Habitat and Homestretch or others, so that we can gather facts and information about the possibilities and options for this specif-

ic property, and determine if its a viable option to put on the table for council.

Commissioner Caudill asked what was the reason for stopping the development of 7th street was originally - and if that reasoning needed consideration when looking at this location for possibly developing with attainable housing. Chair Arbury shared that she felt it was mostly that the public felt the development of the lot came as a surprise and that they weren't aware of the discussion prior to approval. Commissioner Gale stated that her impression is that some members of the public are opposed to any development of the property at all.

Commissioner Caudill then asked if that means that those members of the public will be opposed to any development at all, whether it is attainable housing, or four large single family homes, or any development. Commissioner Cavendish added that she felt that people weren't just upset about development, but were concerned that environmental considerations and steps hadn't been considered or investigated. And that if the planning commission continues to pursue and discuss all environmental steps and considerations that need to be taken, as we are currently striving to do, that perhaps they wouldn't be opposed to some development of the space.

Chair Arbury stated that she also felt that if you look at all the development on North Shore Drive, it is hard to say that any development on this property would be adding more havoc than any of the other homes being built on the street now.

ZA Scott suggested that perhaps we should have a round table discussion that invites local business owners that are working on building attainable housing together to discuss their thoughts and possible plans and that this could be a factor to consider when it comes to the village plans. She stressed that she feels the 7th Street property is a very valuable piece of property. Chair Arbury asked her to clarify if she was saying that she feels we shouldn't even pursue attainable housing for the property. ZA Scott responded that the village and the budgeting shows that Northport needs to increase the tax base, and that we should be asking if the 7th street property is the right space for attainable housing.

Commissioner Gale stated that if we work with Habitat or Homestretch, they can bring some plans and renderings that may help allay concerns people have, and that any parking or visual concerns could potentially be resolved with landscaping and buffer planning.

Chair Arbury summarized that she would still be in favor of having one or multiple of these housing organizations coming and speaking to us about the options. The commissioners agreed that a 45 minutes or less presentation would be helpful and Commissioners Wessell and Gale volunteered to work on coordinating that for a future meeting.

Phase 3 Environmental Study:

Commissioner Woomer asked if there was any progress on the costs of an Environmental Study Phase 3. Commissioner's discussed that with the knowledge that Brownfield may cover those costs if approved, that we first needed to pursue steps to find out if this project could become a brownfield project. Therefore, we need to get an appraisal and council needs to approve a plan for the site, before any phase 3 work is completed. Commissioner Gale added that we have also previously discussed that the village may want to retain the land in "parcel 1" that contains the containments, to perhaps reduce the urgency of completing a phase 3 study.

Rubric:

Chair Arbury started the discussion on developing a rubric, by asking what metrics or criteria did we feel should be used or included. She referred to Commissioner Woomer's rubric draft from a few

meetings ago as a possible starting point. Commissioners also referred to the CIP rubrics that were used in 2021 for evaluation and felt that some of those criteria seemed to fit as appropriate questions to ask. Including and referencing the master plan and some of its outlined goals, might also be valuable to include. Commissioner Cavendish shared that she agreed and felt that all aspects included in our “charge” for review should be included, meaning that the master plan, recreation plan, zoning ordinances and environmental regulations should all be considered as criteria.

Chair Arbury encouraged commissioners to review the master plan and pull out aspects that we feel should be included as criteria, as well as tweaking the CIP rubric to see if it could be utilized as a rubric for this project.

Commissioner Cavendish also added that she felt that we needed to not only develop a list of what needed to be included, but what weights those categories held. For example, she felt that the alignment with aspects of the master plan, was a more valuable factor, and should be weighted higher than whether the village makes a profit. Not to say that finances shouldn't be considered, but they shouldn't be equal to goals of the master plan, and possibly other criteria as well.

Commissioner Wessell stressed that if we're going to create a rubric, that we need to ensure it is giving us more information to base our decision on. She wants to ensure that we first agree on what are the most valuable criteria and she worries that everything in one way or another can be found in the master plan, so how do we decide what the importance/priority level is.

Chair Arbury asked Commissioners Gale and Wessell to get together with her and work on hashing out some of these questions and thoughts, to pull together for all commissioners to review and use as a starting block to build on.

Commissioner Newell asked what was the end goal in creating the rubric. He felt that from the beginning we said we would not be rating or scoring the projects, that we would gather the ideas and be presenting them to council for them to decide what is their preferences. Chair Arbury agreed that we don't want to select a specific idea. Commissioner Newell wondered if perhaps we develop the criteria and rubric, but the council does the scoring and determines what aligns best.

Chair Arbury then wondered if that means that instead we should create summaries of each proposed idea, and share those with council, along with the criteria we develop. That perhaps that actually is more in line with what we have discussed from the beginning, that we wouldn't be giving a recommendation, but would give them plans that were viable and fit within the village goals.

In conclusion, commissioners agreed they wanted to work on a list of the criteria, but not a scoring, and that those ideas can be sent to Chair Arbury who will work with Commissioners Wessell and Gale on combining all ideas for review in the coming meetings.

New Business:

CIP (Capital Improvement Projects):

ZA Scott started by sharing the CIP list that was generated in early 2022 and noted that some items were left unrated, and suggested that perhaps a good start for digging back into CIP work would be to first rate those previously unrated projects. ZA Scott provided the previous CIP rubrics used, the worksheets we filled in for the projects, as well as the previous unrated project proposals.

Chair Arbury asked commissioners to work on rating the three unrated projects independently and bring those scores back to the next meeting, so we can get an average score amongst commissioners. Commis-

sioner Cavendish shared that the Waukazoo Street Sidewalk project is not yet in a formal report, because when CIP was being discussed early in the year, the commission felt it didn't fall under CIP. She offered to write a formal report on it, if commissioners now felt that it did fall under CIP. Commissioners agreed that because it would ideally not just replace existing sidewalks, but enhance and potentially change the size and design of them, that it did fall under CIP and therefore Commissioner Cavendish should write up the official CIP report.

A discussion about what makes a project a CIP project, and who or how CIP projects are assigned to committees was discussed. ZA Scott explained the process that Infrastructure uses to rate assets within the village, and how those are then handed to the respective committees and they take them from there. Commissioner Gale also added that many communities vary in how they handle CIP projects, and often a project over a certain dollar amount is necessary for it to be considered CIP.

ZA Scott read an excerpt from *Village Ordinance 99 - Section 12 Capital Improvements Program*

To further the desirable future development of the village under the master plan the Planning Commission, after the master plan is adopted, shall annually prepare a Capital Improvements Program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six year period, pursuant to MCL 125.3865.

Commissioner Wessell asked if this has been completed previously, and Commissioner Gale confirmed that a 6 year CIP has not been completed previously.

Commissioner Newell asked clarification as to whether or not the Mill Pond/Northport Creek dam would fall under Infrastructure or our CIP list. Commissioner Gale reminded everyone that the council just approved an engineer report on the dam, and what aspects are needing attention and how urgently they need to be addressed.

*****8:55pm motion to extend meeting to complete agenda - moved by Commissioner Newell, seconded by Commissioner Wessell, motion carried**

Commissioner Cavendish asked if people have other CIP project ideas to add to the list, should we collect those ideas and bring to review in future meetings, Chair Arbury agreed that would be appropriate.

Zoning Administrator Report:

Report found on the village web site in the PC September 21, 2022 Meeting Packet Dropbox

Commissioner Cavendish asked for clarification on the Yard and Lake inspection mentioned in ZA Scott's report, and whether there was a problem. ZA Scott explained that in their original site plan it appeared the pergola would be farther from the sidewalk than it now appears and there was some concerns over safety for sight lines from the corner stop sign. After looking at it with DPW Chris Holton they confirmed that they are within their lot and there are no safety issues, and that the site plan scale was a bit off which is what led to the confusion.

Infrastructure Committee Report:

September Infrastructure meeting was canceled and has been rescheduled for Wednesday, September 28th.

Trustee Report:

Commissioner Gale reviewed - report found on the village web site in the PC September 21, 2022 Meet-

ing Packet Dropbox. She highlighted that the council did approve the appraisal of the 7th Street lot for up to \$5,000, that they also approved the engineer report on the Northport Creek dam, and that the Village Tree Ordinance has been approved.

Tree Committee Report:

Commissioner Newell noted that they held a meeting in August and are beginning to get some public involvement. They discussed the following:

- Memorial trees and are working toward formulating a memorial tree acceptance policy
- The need to continue looking for public locations to plant trees moving forward
- The upcoming Re-leaf planting on October 1st, the need for volunteers that day, and that all the trees for planting have arrived
- The Christmas tree and possibilities for new locations and future plantings

Public Comment:

Anne Harper, she asked for clarification as to whether infrastructure and capital improvement projects are two separate kinds of capital expenditures. She also wanted to raise the long term consideration on how much coordination is occurring between the village and the township. She shared that many people feel that the zoning regulations between the village and the township shouldn't be drastically different requirements and encouraged us to ask our consultants to coordinate with the township planning commission. She also wanted to know if the township planning commission has village residents serving and if our commission has township residents serving. Commissioner Gale shared that the township planning commission has two village residents, Tom Weber and Kristi Fischer, and our planning commission has one township resident, Commissioner Caudill.

Commissioner Comments:

Commissioner Cavendish shared that she had brought up in the recent Finance meeting, concerns over the Peddler Ordinance and possible needs for revisions to that ordinance, or revisions to our zoning ordinance, in regards to formula restaurants. Currently formula businesses are only permitted in the D I district by special use, and all the village properties that are allowed use with the peddler permit, are within the Core or CRI districts. Due to this conflict, and the fact that one of the peddler permits issued this year was to a formula restaurant, she feels it should be addressed and resolved.

Chair Arbury felt that the topic may be discussed at our upcoming special meeting, as there are some questions and discussion planned around signage with Arthur Mullen.

Adjournment:

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

Next Special Meeting - Wednesday, September 28th, 2022 from 9-11:45am

Next Regular Meeting - Wednesday, October 19th, 2022 at 6pm

Respectfully submitted,
Laura Cavendish, Secretary

** all reports are in September 21, 2022 packet on website: villageofnorthport.net/planning-commission/*

*** all 7th Street Documents are in the 7th Street Document Drop Box on website: villageofnorthport.net/planning-commission/*

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