

VILLAGE OF NORTHPORT  
PLANNING COMMISSION  
116 W. Nagonaba St.  
Wednesday, November 16, 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 6:03pm.

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

**Public Present:**

Multiple members of public attended in person, several other members of the public attended via Zoom

**Staff Present:**

Zoning Administrator- Joni Scott

**Approval of Minutes:**

October 19, 2022 meeting minutes were approved, moved by Commissioner Gale, seconded by Commissioner Wessell, motion carried

**Approval of Agenda:**

Chair Arbury mentioned that the agenda states we would be reviewing the November minutes, but we reviewed the October minutes.

**Correspondence:**

Chair Arbury explained that typically we would review all correspondence at this time, but that since the majority of correspondence is regarding the 7th Street property, that we would review those correspondence during that portion of the meeting. Chair Arbury counts that there are 16 individual letters re: 7th street property, and that there were two verbal public comments from last meeting.

Chair Arbury shared other correspondence from Ann Harper, received earlier in the day, that is a photo of beautiful snowy trees, that says, "Save the Trees."

**Public Comment:**

Chair Arbury started by clarifying that this is our regularly scheduled meeting and is not a public hearing, and that we are still planning to have a public hearing on the 7th Street Property, but that we aren't going to rush. We are at the juncture where we are asking for public input.

Joanne Geha Swanson explained she had emailed correspondence and that she did ask a number of questions in that email. For the sake of not being repetitive, she would wait until the second public comment for any questions or comments.

Gerry Schatz and Barb Conley wanted to speak as neighbors by a few blocks to the 7th Street Property. He has background in analyzing coastal planning issues and environmental law. At the village's request he previously reported on issues and options for the east 7th street site. In that report he spelled out the list of the apparent possibilities for the site, and questions and topics to explore. At that time he did not make a recommendation. He commented that the proposed template for reviewing proposed uses does address some of the aspects he mentioned in his report. However, they feel the proposed template

over-emphasizes the importance of financial return as an essential criterion, with all environmental factors notwithstanding. Unhappily in his and his wife's view, that has been the long-standing bias of the council through this entire process. They thank the planning commission for taking a fresh look, and hope the council will take a fresh look as well. Now after much pondering, he and his wife would like to make a recommendation: Our community and environmental values and master-plan commitments—including natural beauty and protection of our waters—are best served by keeping this site as a natural area, an educational park with the barest minimum required amenities and minimal required maintenance.

Greg Nobles, lives on 4th Street. He did submit a letter to correspondence. The point from which he proceeds is that it is a public asset and ought to be used for public good. He was heartened by the robust response from the public. Upon reviewing those responses he felt that no matter what they said, they all seemed to come to one common conclusion, and that is that the Village Council of Northport should not be in the business of acting like a private real estate developer. If we could put that notion to bed tonight, that the village is not going to become a real estate developer, that this would be a very good thing.

Nancy Peterson, has an undeveloped property on North Shore Drive. She resent a letter she had sent to the planning commission a year ago re: 7th Street Property, and wanted to ensure it gets into the correspondence packet. She agrees with both Greg Nobles and Gerry Schatz.

## **Old Business:**

### **Review Planning Commission Work Document\*:**

Highlights by Chair Arbury:

- Review 7th Street public feedback to begin today
- Score Capital Improvement Projects today
- Next Tree Committee Meeting will be in January, they are taking the month of December off
- Begin discussions for the 2023 Master Plan review in December
- Reconvene the discussion on STRs (*short term rentals*) in January
- Zoning Articles 2&3 final review will be moved to December discussion, because we don't yet have the revisions back from Arthur Mullen of Wade Trim

### **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.*

### **Discuss 7th Street Correspondence:**

Chair Arbury made a list of recurring themes from the correspondence:

- Loss of wetlands
- Concern over run-off to the bay
- Loss of woodlands
- Loss of land or poor trade for part-time residents/housing
- Lack of transparency
- Government overreach
- Some pro-development of the 4 lots
- 4 houses aren't the same as attainable housing
- Increased traffic
- Development is counter to the 2018 master plan

Project suggestions:

- Suggestion for a government office or library
- Workforce housing
- Development of 4 lots - “Maude Court”
- Do nothing with the land all together
- Housing on the 7th street portion of the lot only - Commissioner Gale reminded everyone that there are organizations are looking for locations in Northport to build attainable housing.
- Public access as a park/hiking - or passive park
- Partner with Conservancy - Chair Arbury felt that this would be up to the council to decide if that was a direction to pursue. Commissioner Gale felt that given the conservancies overall wildlife corridor plan and the location of this site, they likely wouldn’t be interested in it becoming a conservancy owned property, but perhaps a conservation easement with the conservancy and that would be in perpetuity.

Commissioners then discussed that the council has requested that the presentation to them be simple and a small number of choices. In reviewing the correspondence - most all of the feedback filters into one of these four categories:

- Do nothing - and either leave it as is, or develop a passive park
- Partial/combo using the 7th street portion for development, and the rest remains natural and under village ownership
- Partial/combo using the 7th street portion for development and sell off the remaining lots - or some other combination that uses a portion and sells the remaining portions
- 4 lot division of the property

#### **Appraisal Update:**

ZA Scott said that Pete Picard would be completing the work by the end of November. Chair Arbury wondered if we should wait to get the appraisal until we evaluate proposed uses with the evaluation tool, because perhaps the development of the lots will then be paused. Commissioner Gale supported continuing with the appraisal of the 4 lot division, so that we know where the value of the property is, and what revenue we’re giving up. Commissioner Cavendish reminded everyone that having the value of the lots, is necessary for any application with Brownfield Redevelopment Authority.

#### **Questions raised by public comments/feedback:**

- Do we need to need to be contacting EGLE (Department of Environment, Great Lakes, and Energy) for permits now?
  - ✧ Filing for permits with EGLE for developing the property would fall to the owner that is going to do the developing, which is not necessarily the village. Commissioner Cavendish commented that if we developed the road the village would need to contact EGLE and receive permits.
- What have we done to pursue attainable housing information?
  - ✧ We have been working on that with contacts with local non-profits and recently attended a seminar hosted by the Leelanau Township Foundation, discussing attainable housing opportunities.
- Have we looked at other options?
  - ✧ That is what we are currently working through, asking for ideas and studying them
- What are the deed restrictions?
  - ✧ In March of 2022 we got confirmation from the village attorney that we do have the authority to develop this property, and the village does have permission to put any deed restrictions onto the properties. For public that wants to review this document, it is in the 7th Street Document Drop Box, and is currently labeled, *Village of Northport Mail - 7th Street Deed.pdf*.
- What is the cost to develop into the four lot proposal?

✧ This information is in the 7th Street Document Drop Box.

### **Discuss Evaluation Tool:**

Chair Arbury framed the discussion with this thought: will this overall item give the council information they need, that is useful and helpful, and are we qualified to provide this information.

Commissioner Cavendish summarized the document and the aspects included. Criteria/aspects of the review template that had commissioner discussion or changes are as follows:

- **Master Plan Goals:** Discussion over whether the first two master plan goals were applicable to any of the proposed uses, or how they would apply. Commissioners agreed that, because there are aspects reflected in the other goals that the first two master plan criteria could be removed from the template draft.

Chair Arbury explained that she had also been reviewing the Future Land Use map in the master plan. It is clear that the current zoning is R2 - village residential. On the future land use map however, the land is designated as wetlands and public/quasi public lands. Since all of the current proposed uses relatively fit into the R2 or Public/Quasi public definitions, we likely don't need to consider changing the zone in the future land use map, unless it is determined it should be developed as multi-unit attainable housing, in which case it may need to be zoned something that allows multi-family units as a use by right.

- **Complying with government regulations:** Commissioner Cavendish explained that we included the options, because some of the proposed uses could include deed restrictions that make it more protected than if we just followed EGLE guidelines.
- **Describe Environmental Impact:** Commissioners discussed whether we as commissioners have the expertise to answer this criteria. Commissioners concluded that pulling data from the geotechnical, wetland delineation, and environmental studies could be done to complete this portion. Therefore, commissioners decided to leave the criteria, but brainstorm possible language change, to better reflect that it is extracted data and not commissioner opinions.
- **Finances:** Commissioners discussed whether the financial information should be included as criteria. Commissioner Gale explained that there is concern about generating some revenue, because we do need revenue to function, and this is a tight budget year coming up, you can't make capital improvements without funds. We're not trying to focus on generating revenue, but the council has a responsibility to make fiduciary decisions. Commissioners agreed that we need to provide the council with as much data as we have available.

Chair Arbury asked if the finances criteria should even be filled in by our committee, or should that be done by the finance committee. Commissioners agreed that we aren't looking to complete exact dollar amounts, but are asking for a narrative of what/if any long term expenses might be. Therefore, commissioner felt they can complete the finance criteria, and if council has specific dollar questions they could then send to finance committee.

- **Benefits/Impacts number of residents:** Commissioners discussed if this needed to be included. They concluded that it did, because so many public comments say that they want it to be used in a way that benefits all the public.

### **Next Steps on 7th Street Property:**

1. Apply the evaluation tool to the projects we've identified, start at the regular December meeting. Prior to that meeting, all commissioners will individually do a draft evaluation for "Maude Court" and "Leaving the site Undeveloped" as a start and so we can begin to see if the evaluation tool document needs tweaking. Revise evaluation tool if needed, review all proposed uses as a group.
2. Schedule a public hearing - discuss what that will look like, get input and additional questions from public
3. Final tweaking of presentation to council

4. Turn over to village council

**Articles 2&3 Update:** Very close on final revisions, still waiting on draft from Arthur Mullen of Wade Trim. He said he would have all the amendments ready by the end of the month. We should be able to come prepared to the December meeting to review Articles 2&3. Commission may add an extra meeting in January to tackle the heavy load needing completion.

**CIP (Capital Improvement Plan):**

Rubric Criteria	Weight	Proposed CIP Projects					
		Waukazoo Sidewalks and Streetscape		Community Garden		Trail Improvement and Wayfinding Signs	
		Score	Weighted	Score	Weighted	Score	Weighted
Contributes to health, safety, and welfare	5	5	25	3	15	3	15
Project needed to comply with local, state, or federal law	5	0	0	0	0	0	0
Project conforms to adopted program, policy or plan	4	5	20	3	12	5	20
Project re-mediates an existing or projected deficiency	3	5	15	3	9	5	15
Will project upgrade facilities?	3	5	15	1	3	5	15
Contributes to long-term needs of community	2	4	8	2	4	3	6
Service area of project	2	5	10	4	8	5	10
Department priority	2	5	10	1	2	1	2
Project delivers level of service desired by community	2	5	10	3	6	5	10
<b>Total</b>			113		59		93

There was discussion about whether a Community Garden belongs under the CIP, or is it more appropriate if a garden club or organization came to the village and asked if they could install and maintain a community garden on village land?

Discussion continued amongst commissioners that the intended purpose is to provide a space for those that don't have a space to garden, to facilitate that for the community. It was also pointed out that the master plan does say that we want to encourage quality environment, and that a community garden would do that. There would be upkeep and aspects required of the village to maintain, but that if the project moved forward, that would all be a part of what would be discussed and included in the plan. Commissioner Cavendish also felt it might be more accessible to citizens if it was a village sponsored garden, versus another organization. Commissioner Caudill also commented that not all projects have to be fully-funded by the village, that other organizations or funding sources can be utilized, and perhaps that would be appropriate in a project such as this. Commissioners concluded that they would score and keep the project on the list, in the event that a grant opportunity presented itself.

**\*\*\*7:57pm motion to extend meeting to complete agenda - moved by Commissioner Gale, seconded by Commissioner Wessell, motion carried**

## **New Business:**

### **December PC Meeting Date:**

Chair Arbury asked commissioners to consider moving the meeting date, due to the 21st being so close to Christmas, and many commissioners have a conflict for December 14th. Commissioners agreed to the Tuesday, December 13th at 6pm. Chair Arbury also asked that commissioners consider an additional January meeting, since there are so many topics to discuss in that month.

### **Secretary/Recording Secretary Positions:**

Commissioner Cavendish (Planning Commission Secretary) has been elected to the Village Council in the recent election. Chair Arbury has been in discussions with Commissioner Gale (*as liaison to village council and a member of the employee relations committee*) asking that the PC committee receive specific support from personnel in the office, and adding that back into the role of the village liaison, perhaps when it changes hands next. Commissioner Gale said the topic has been brought up, but they aren't going to have anything officially changed or ready before April 2023.

Planning Commission Secretary, has five main tasks to be responsible for:

- creating a first draft of the minutes (*if there is no recording secretary*)
- posting to dropbox (*agenda, meetings, correspondence, information, etc*)
- placing minutes in the book
- printing packets for the board
- maintaining a notebook for new members and updates

Chair Arbury is going to ask employee relations for some support staff for some of those responsibilities (but not the minute taking), until the position changes hands and the evening meetings are a part of the job description.

Commissioner Wessell reviewed our bylaws when she saw the agenda item, and checked to see if two ex-officio members can serve on the planning commission at the same time, and it is possible. She feels it would be advantageous to the commission to have everyone stay, since we are in the middle or nearing the end of so many important topics. Commissioner Gale stated she can relay that message to the council if desired. Commissioner Cavendish stated that she would be willing to stay on as an ex-officio member.

Commissioner Gale shared that she spoke with Commissioner Cavendish and discussed that since the planning commission only has two officers, the chair and the secretary, that in the absence of the chair, the secretary fills in. A trustee can not fill the chair position, so we may need to find a secretary, even if the reassignment of committees keeps both Commissioner Gale and Cavendish on the committee to continue with the current work we are immersed in. Commissioner Gale mentioned that we could consider revising the bylaws. Chair Arbury asked if Commissioner Cavendish could serve as the hired recording secretary. Commissioner Cavendish pointed out that the bylaws state that the recording secretary position can not to be a member of the planning commission. The conflict for the Secretary position and ex-officio members is that the secretary fills in for the chair in their absence. All other secretary duties are permitted, so perhaps the "president pro-tem" portion of the responsibilities could be assigned to someone else. Commissioner Cavendish stated that she was willing to continue drafting the minutes if needed and allowable.

Chair Arbury asked Commissioner Gale to request that President McCann appoint Commissioner Cavendish to the planning commission. Commissioner Cavendish will complete this months minutes, and further discussion on the nomination to secretary position and options will be discussed next meeting.

## **Zoning Administrator Report:**

Report found on the village web site in the PC November 16, 2022 Meeting Packet Dropbox.

Commissioner Cavendish asked for more details on the ZA report regarding the property on Rose St. ZA Scott explained she has been working with the owner's (Spitznagel) attorney and the village attorney (Ross Hammersley). They have determined the property is 6100 sq feet. Her suggestion to them has been to get their proposed uses together (i.e. restaurant, spa, etc) and then that could all be covered in one special use permit, which could then roll into their site plan review. She is hopeful that this can proceed and then be taken care of in two steps. Commissioner Cavendish asked if they seemed willing to proceed with that plan. ZA Scott felt they have been in agreement and shared that their attorney had made some other suggestions that would take longer. ZA Scott also shared she had some discussions with our village attorney, considering language choices and perhaps defining some of the uses as recreation, which is allowed by right and could ease the process. The village attorney was in agreement and has been relaying this information to the Spitznagel's attorney. Commissioner Cavendish also asked if they have an architect or contractor yet, or if they just have the attorney, she shared that she has been told that they do have both, but she hasn't communicated with either of them.

Chair Arbury asked if there was any development with the old blighted portion of the hospital. ZA Scott shared she hasn't heard anything on that front since last month. Last month's correspondence being that they were looking for assistance from the village in classifying the property as blighted, to open up some funding sources to assist with the demolition costs.

#### **Infrastructure Committee Report:**

Meeting was canceled, so no report.

#### **Trustee Report:**

Commissioner Gale reviewed - report found on the village web site in the PC November 16, 2022 Meeting Packet Dropbox. She pointed out that there was a little more information in her report about the SPARKS grant opportunity. She also explained that subsequent to their regular scheduled meeting, that they also had two special meetings and one more coming up. She explained they were required to have a meeting to nominate the clerk, and nominated and appointed Joni Scott, and they are going to be appointing a treasurer at their upcoming meeting, following interviews being held tomorrow.

#### **Tree Committee Report:**

In Commissioner Newell's absence, Chair Arbury gave a summary of the meeting. They discussed the following:

- Tree City application is completed and headed to Lansing for approval
- Committee is taking the month of December off
- Next year plan to work on: creating an annual calendar, developing a process for tree sponsorship, additional grant funding, and discussing the Re-Leaf plan for the future and ensure they are collaborating with the DPW on timing

#### **Public Comment:**

Mary Cermak Betzoldt, she called and spoke with Collin Oosse with the Leelanau Conservation District - he is the brand new Natural Resource Soil and Erosion guru and she has spoken with him and he is willing to come up and look at the site, and it would be free of charge. She asked him what he sees on the map for the address, and he said that he sees wetlands. In the course of her conversation with him, her understanding is that every time anyone wants to cut or pull a tree, it will require a permit. She is asking the commission to please call and speak with him as a group and listen to what he says, and ask him to write a report.

Joanne Geha Swanson picked up from Mary's comments and shared that she also has confirmed with soil and erosion that to get a permit, you do need a plan, and so she doesn't understand the thinking that you wouldn't need permits from them. She also spoke with Robyn Schmidt, the EGLE representative for Leelanau County and she also could do a pre-screening, and though she has spoken with ZA Scott about a year ago about this project, that no one has requested a pre-screening.

Mary Cermak Betzoldt continued her public comment stating she spoke with Chair Arbury in May, and then again in September, she would really like us to speak with Collin. She also asked if the public will be able to read the criteria for reviewing the projects. She also asked if people can still send in comments or thoughts if they have them, and would they be considered.

Chair Arbury clarified for her that the revision of the evaluation tool document will be completed by Commissioner Cavendish and will then go into the dropbox and be available, the version we worked with in this meeting is already in the dropbox. Once the evaluations are completed by the commission, the completed versions will also be available to the public and in the dropbox. Chair Arbury also confirmed that people can still submit comments and the planning commission will read and review them.

Joanne Geha Swanson, she is grateful she has been able to attend the meeting in person and she sees how much work we're putting into this process and that we take our job seriously. She expressed that she hopes we can understand that she and others appreciate what we're doing and that we have the best interest of the village at heart. That being said, she is bewildered, because what she hears us saying is that we are not making a recommendation, however, in our October 2022 minutes our listed charge states that we are to make a recommendation to the council on the use of the property. She also feels we are making the criteria review so much more complicated than it needs to be, and that if we are going to consider jobs, income, effect on the economy, housing; the environment is going to loose every time. Her plea and prayer to us is to adopt some values, and put value on preserving the environment and the beauty of Northport. She also stated she was still quite confused about the reverter and how that was released for the village to use the property however they choose.

Chair Arbury thanked Joanne for her catch on the wording of our charge and shared that we should have revised that months ago. She explained the distinction between planning commission and the council. That being that we are an administrative body, we don't have constituents, and we report back to the village council. So for the sake of decision making and money spending, it is the responsibility of the village council to add weights to criteria and make selections as they see fit. ZA Scott also explained that the 7th Street Dropbox does have the attorney opinion and reverter document available to review.

Gerry Schatz, respectfully disagrees with the opinion that the planning commission can't make a recommendation, on the contrary he believes that is what a planning commission is for. He agrees that the planning commission can't make the final decision, but that we can make a recommendation on planning issues. He also feels we will make our lives easier if we break the task on 7th street into some additional parts: 1) scoping hearing - hold a public hearing to ask people, what should we consider when we go about looking at this problem, 2) presentation of ideas at a public hearing - here is what we came up with, please comment on it, and gives us a chance to tweak what ultimately will go to village council, 3) then it should go to public hearings at the village council level.

Chair Arbury confirmed that we will be having a public hearing to present the proposed uses to the public, prior to turning over any presentation to the village council.

Greg Nobles, he wants to make a minor but important point on the language we use. He would like to say that he does not want to see us using the phrase, "do nothing," and he says this as a self-criticism as

well, because he realizes he also used this terminology. However, doing nothing, is in fact, doing something. He recommends we use the phrase, "Preserving and protecting the land in it's natural and undeveloped state." He would ask that moving forward, that we frame that option in a more positive way.

Ann Harper, she would like to make a procedural point about our next meeting date, as she asks for consideration and cooperation between the township and the village. The township has been having their meetings on the second Tuesday of the month, so the next township board meeting is in conflict with our newly rescheduled PC meeting. She requests that we change our meeting to the 15th unless we have a conflict for that date. Secondly, she'd like to say that she has tried to ask for help to find the document that we were reviewing when discussing the criteria and that it was extremely difficult for the public to follow what we were doing, without that document. She asks that in those instances going forward, could we perhaps screen share to the public, so that they can see what we are reading, and try to ensure the files are labeled in a more clear way so they can be located in the drop-boxes. She also didn't feel the commission dealt very well with addressing any of Gerry Schatz's critiques of the document and she does think that along with other speakers, that the environment is hard to evaluate or quantify with dollars and cents. And she respects Commissioner Gale efforts to ensure we have capital funds, but she does not feel that selling 7th street property is a good use of the land. She also felt that per village council discussions, the four lots and the road development is off the table.

Chair Arbury clarified that she doesn't believe we have gotten any message from council stating that the four lot development was off the table, but rather that it would be one of the options. Her understanding on our directive from them, is that we were to evaluate that plan, as well as any other potential uses for the site, and bring all that information back to council for consideration.

### **Commissioner Comments:**

ZA Scott shared comments that there was public comment that Robyn and Collin have offered to come out to the site, but those offers were to come and look at the potential development, and that development has been on hold, because we don't yet know what we're doing.

Chair Arbury she appreciates the public engagement and feedback and kind words even if we don't agree on everything, because this group works very hard and cares. Everyone in this room all care and want the best for this community and we're moving in the right direction.

### **Adjournment:**

8:43pm Motion to Adjourn - **moved by Commissioner Caudill, seconded by Commissioner Wessell, motioned carried**

**Next Regular Meeting - Wednesday, December 13th, 2022 at 6pm**

Respectfully submitted,  
Laura Cavendish, Secretary

*\* all reports are in November 16, 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.*