

VILLAGE OF NORTHPORT
PLANNING COMMISSION
116 W. Nagonaba St.
Tuesday, December 13, 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 6:04pm.

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

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:

November 16, 2022 meeting minutes were approved as amended, moved by Commissioner Wessell, seconded by Commissioner Newell, motion carried

Approval of Agenda:

Chair Arbury added under new business, item C) Elect a Secretary and D) Joint meeting with Township Planning Commission

Correspondence:

Chair Arbury shared correspondence:

Ruth Butler shared she was impressed with the commission's work on the 7th Street property so far, she liked the way we scored our CIP projects and wondered why we couldn't just score 7th Street projects that way.

Mary Cermak Betzoldt wrote that she would like us to change the terminology when discussing 7th Street proposed uses from "Do Nothing" to something more positive.

Anne Harper wanted to bring to our attention a letter sent previously by Heather Smith of the Grand Traverse Watershed Center, that shares they want to promote preserving wetlands and an offer for them to assist with zoning or other aspects to help with that protection. Anne also asked that the planning commission stop considering the "Maude Ct" development as an option.

Public Comment:

Mary Cermak Betzoldt on North Shore Drive. Wanted to reiterate her correspondence and the suggestion last meeting from Greg Nobles that moving forward we use the term, "preserving our natural habitat" when referring to any undeveloped plans with 7th Street property. She thinks it's a more appropriate term to use.

Greg Nobles on 4th Street. First, he wanted to commend the commission on the quality of the minutes. Second, he realizes the commission is going to be dealing with the evaluation of the 7th street properties and the values of the property. There is a monetary benefit if the property is to be sold, but he feels that the financial benefit in the long run will be very short-lived. The environmental cost however, is perma-

ment and forever, so he urges the commission to think about that value of the property. He urges the commission to consider the watershed, and to keep the environmental value uppermost on our minds.

Campbell McLeod on High Street. He wanted to compliment the commission on the methodology built when reviewing the 7th Street property. He feels the wetland delineation map was hand transferred to other maps and that it was not done accurately. He suggests that we go back and understand the exact locations of the wetland. He doesn't feel it makes sense to even be discussing developing the property, as there is no apparent need for the financial sale and there is a very high environmental value for ours and future generations to come. He also is aware that we are in an economic inequality in the world, what is good for the village is also good for business, and therefore workforce housing may be something to consider, but maybe the 7th Street Property isn't the place for it. If there is a study or reports or other workforce housing discussions in the work, he would ask that they be made public so that the public may be aware of those discussions and where they are being considered. When looking to the future think bigger, and who we are, that we are concerned about the environment and the workforce up here.

Gerry Schatz and Barb Conley 6th and Mill Street. Compliments to the recording secretary. He wants to associate himself with the comments of Greg Nobles and Campbell McLeod as he agrees with them. He also wanted to share from his legal perspective, the argument that was given for all the pressure of housing here, was someone's sense of fiduciary duty, so he went back and looked again, and the definitions are remarkably consistent, they apply to staff, trustees, members of our commission and boards, one who owes to another the duties of good faith, trust, confidence and candor, who must exercise a high standard of care in managing another's money or property. Fiduciary doesn't meant get the most money in the short term, its a long term view of the benefits, and is not defined solely in terms of money. 7th Street is an environmental asset, it can't be evaluated by merely short-term financial gain. Think of the whole of our fiduciary duties.

Zach Hillayer - Housing Ready Program Director for Leelanau County, he wanted to introduce himself and share that Housing Ready is a non-profit organization with a mission to build awareness, shape policy and expand capacity for workforce housing the area. They are a resource to communities throughout the county.

Nancy Peterson on Mill Street, with property near 7th street. She wants to reiterate that she is against the development of the village 7th street property. She wanted to voice agreement with the other commentators and share that she feels having the undeveloped land and wetlands is an asset in and of itself.

Old Business:

Review Planning Commission Work Document*:

Highlights by Chair Arbury:

- 7th Street property discussions will be in this meeting
- Capital Improvement Plan has been completed for the year
- Next Tree Committee Meeting will be in January, they are taking the month of December off
- 2023 Master Plan review in tonight's meeting
- Zoning Article review will be discussed tonight
- Short Term Rental Discussion (STR) in January 2023

7th Street Review:**

Review of our terminology:

- Discussion on the term - *recommendation*. Council only wants a maximum of four plans. Some seem to want a singular recommendation or a ranked list of recommendation. This commission has been operating with the thought that we will identify the criteria and provide any information/

data we have for each project, but in terms of assigning value to the criteria, the commission feels it is the village council's position to assign weighted values to those criteria, not the planning commission.

- Charge: *After a thorough review of available information of the 7th Street property currently owned by the Village, the goal will be to bring forward potential plans for use that are in keeping with our Master Plan, environmental regulations, and current zoning ordinances.*
- Four Proposed Uses:
 1. *Preserve Land in its Current State*
 2. *Partial Combo A - using 7th Street Portion for Development at the discretion of the village and the rest remains in its natural state*
 3. *Partial Combo B - using 7th Street Portion for Development at the discretion of the village and sell the remaining build-able lots*
 4. *Four Lot Single-Family Residential Division of the Property*

Moving Forward:

Commissioners agreed to have Commissioner Gale present to village council:

- The revised evaluation tool
- The proposed uses
- Our anticipated next steps (applying the evaluation tool to each proposed use, sending those completed reports to council, then hosting a public hearing if council asks for that assistance).

The Commission would ask for their thoughts and feedback. If they then want us to proceed, we can complete those next steps or adjust as necessary based on their feedback.

Discuss Evaluation Tool:

Since the last meeting, commissioners were able to think further on any additional reviews of the evaluation tool. Commissioners asked for the form to be edited so it can be an editable/type-able pdf file that can be typed in directly on the computer. Commissioners also decided to add a section to the end of the evaluation tool "Additional Variations on the Proposed Uses," that will include further options and choices under that proposed use.

Appraisal Update:

Pete Picard communicated via email on November 28th that he would be coming out the week after Thanksgiving for the field work and that after that was complete he would take a few weeks to get the paperwork completed.

Outstanding Questions:

Commissioner Cavendish brought up the DPW lift station lot split that is reflected in village surveys but not on the county parcel map. She wanted to again ask that this be followed up on and completed on the county level. She also shared questions about the north sides of the property and concern over the variation in the boundaries from the village survey completed by John Korr and the county parcel map. She explained that though she does see in his full survey an explanation of title searches and cited deeds that seemingly confirm the variations in the property lines, she still would like to have someone follow up with the Township Assessor and the County Equalization to verify what is needed to update those lines on the county parcel map.

Chair Arbury shared that ZA Scott did inquire with John Korr about this question and he responded, "The survey does represent the actual property and survey from historical deeds if there are no other deeds that are not accounted for then the survey represents what is on the ground, tax descriptions are not to be relied upon and often contain errors. That being said the survey should hold and the tax descriptions and maps modified." ZA Scott said that she was working on this and would

communicate with the Leelanau Township Assessor and work on any questions they may have so that it can be resolved.

Zoning Update: Chair Arbury recapped that we have been working on zoning revisions with Arthur Mullen of Wade Trim since early 2022 and we just received our updated complete draft yesterday. The goal was to look at Articles 2&3 to send those articles onto the village council for review. On brief initial review, multiple commissioners found several aspects that were not revised as discussed. Chair Arbury recommended holding a special meeting in January to solely discuss zoning, since there are quite a few inconsistencies. Commissioners agreed to move the zoning revision discussion to a special meeting date in January and cover as much of the zoning document as possible in the time available. Prior to that date, ZA Scott and Commissioner Cavendish will work to have a phone conference with Arthur Mullen to review aspects we feel weren't captured accurately and see what he needs from us to revise again.

*****7:53pm motion to extend meeting to complete agenda - moved by Commissioner Newell, seconded by Commissioner Woomeer, motion carried**

New Business:

Master Plan:

2023 is the time that the planning commission needs to review the Master Plan and Commissioner Gale is working as the "point person" on this. Commission Gale shared a summary of the process that is compiled from the Michigan State University Extension Citizen Planner Report. When the Planning and Enabling Act was passed in 2006 MSU and Michigan Chapter of the American Planning Association created a Land Use Series to prepare planning commissioners to comply with all the provisions of the Planning and Enabling Act; and in 2018 added the materials that apply to the five year plan review. Since this summary was based on peer-reviewed research and is specific to Michigan Law and Statute she recommends we adopt this review instrument to help us walk through the Master Plan review.

As the Northport Master Plan has been in existence five years since it was written, we are obligated to determine if the plan: 1) Doesn't need to be changed; 2) Needs Updated with amendments; or 3) Needs to be completely rewritten. There are a series of 12 questions that should be addressed sequentially, the best practice is to complete each step before moving into the next. For educating ourselves, she feels it might be helpful to go through all 12 of the questions, take a look at the master plan, and prepare ourselves for taking a deep dive on each of the areas. Commissioner Gale has put in some notes that may be helpful in regards to each of the areas of the master plan. This document is the dropbox and we will be using this throughout the year as a guideline.

March is the appropriate time to start this depending on where we stand with zoning revisions and STR discussions. In February commissioners plan to reconvene and see what category we fall into for review or how many changes may be needed, and if we need to contract for additional consulting services or whether we can accomplish the amendments internally. Each commissioner should look at what Commissioner Gale has given us and review for ourselves. Commissioner Gale also mentioned that anyone who has been following the Township master plan review should feel free to take advantage of the work they have done, and integrate or discuss any aspects of their work that we feel may make sense to integrate with our revisions.

Commissioner Cavendish asked if like the zoning audit where we hired Wade Trim to audit our zoning ordinances last year, could we have this done on a revised copy of the Master Plan. Her thought being that this would be cheaper than hiring an outside consultant to do the actual revisions, but would still give us insight into potential revisions they recommend/or may not be legal or wise to include. Commissioner Gale felt this was a creative idea that may be a good plan that could save the village money.

Special Meeting Dates:

Commissioners looked at their schedules to set dates for special meetings for zoning. Commissioner Woomer recommended we schedule two meetings now, in case we need it, and cancel the second one if it is not needed after the first special meeting. Commissioners scheduled two special meetings, Thursday, January 12th 9am-12pm and Wednesday, January 25th 9am-12pm.

Secretary Position:

Chair Arbury explained that the commission needs to elect a new secretary because Commissioner Cavendish was elected to village council, and ex-officio members can not chair meetings. Since the planning commission only has two officers, Chair and Secretary, the chair pro-tem duty is assigned to the Secretary.

Commissioner Cavendish explained that she is happy to follow whatever commissioners feel is appropriate, but that when reviewing the PC ordinance, it does say that the PC only has those two positions, but that it also says, *“the planning commission shall elect a chairperson and secretary from its members and may create and fill other offices as it considers advisable. An ex-officio member is not eligible to serve as chairperson.”* She didn't know if its simpler or easier to therefore just create a vice chair position.

Commissioner Woomer asked for clarification on when we may get a new recording secretary hired as a staff member. Chair Arbury updated that she had been working on this for some time, and that it seemed we would be waiting until at least April 2023 when it will be incorporated as a responsibility in the Community Liaison position. Commissioner Woomer shared that he would be willing to serve as Vice Chair, but that the February and March meeting he will be attending remotely via zoom.

Commissioner Gale **moved** that we nominate Commissioner Woomer as vice-chair until the election of officers takes place in April 2023. **Seconded by** Commissioner Newell. **Motion carried.**

Joint Meeting with Leelanau Township Planning Commission:

We have been asked to participate in a joint meeting with Leelanau Township planning commission centered around the master plan and discussion on housing. Steve Patmore is proposing that the meeting would serve a few purposes:

- Master plan
- Discussing boundaries between the village and the township
- Compatibility and discussing goals and objectives that affect both jurisdictions
- Any other issues,
- Potentials to work together more often
- Discussions with Housing North to discuss workforce housing

The meeting is currently scheduled for Thursday, March 23rd at 5:30 or 6:30pm. Chair Arbury will verify the time, commissioners accepted the request to have a joint meeting to discuss these topics.

Zoning Administrator Report:

Report found on the village web site in the PC December 13, 2022 Meeting Packet Dropbox.

ZA Scott gave some highlights from her report and shared that she sent a violation notice for some abandoned vehicles on Ransom Street that had received some complaints and she cited the village junk ordinance. She also gave an update on the 7th Street PUD and that after some plan revisions by the applicants, she did issue a land use permit for the Northshores Condominium Association.

Trustee Report:

Commissioner Gale reviewed - report found on the village web site in the PC December 13, 2022 Meet-

ing Packet Dropbox. She highlighted that there was a special meeting on December 21st scheduled to appoint someone to President McCann's remaining two-year Trustee seat and that interested citizens are welcome to apply for the position.

Infrastructure Committee Report:

Meeting was canceled, so no report.

Tree Committee Report:

No December meeting, so no report.

Public Comment:

Greg Nobles on 4th Street. He has a question and concern about how the 7th Street information is relayed to the village council. He has great respect for the trustees, but he is concerned that they have not been able to take part in all the previous discussions and documents that the planning commission has had, and that it has been described by a trustee as floundering. He recognizes that there also is going to be a new trustee appointed, that also may not be as informed about the 7th Street discussions. He thinks that to take all this information, it has to be communicated in a more thorough fashion and can not just be a matrix, and that it has to be a public hearing involving the planning commission and the village council. He also feels that there is also more information needed about 7th Street. The appraisal is coming and that will give some additional monetary information, but that we have not gotten an environmental impact statement, and that he does believe there are people who could provide or access this. He feels a widely advertised public hearing on 7th Street, with robust discussion back-and-forth, is a necessity.

Campbell McLeod on High Street. He feels that the planning commission is more informed on the 7th Street property discussion than the council, and that the challenge of transferring that information and providing them a basis for how we came to our decisions is critical. He agrees with Commissioner Woome's suggestion that the council have our anticipated next steps outlined and shared with the council now. He worked in environmental business as a manager and they prepared feasibility studies for the EPA. He called other options alternatives, and the criteria we established is similar to what they did, but they always weighted their criteria. He feels we should embrace our thought process and insight and make recommendations, explaining how we got to that decision. He also feels that the lot divisions could be reconfigured, we need to be doing more than the minimal acceptable environmental regulations. He commends the commission on their diligent work.

Mary Cermak Betzoldt on North Shore Drive, she appreciates the work we are doing. She still is confused on the four options for proposed uses. She feels the terms should be as simple as possible and should be:

1. "Preserve the Natural Habitat"
2. "Sell and Develop the Four Lots"
3. "Sell off two lots, but keep the natural habitat"
4. "Use the front for something in the village and not sell off the back lots"

She thinks the third and fourth proposed uses are still very confusing and is unsure where those ideas are coming from. She thinks that we could go with three ideas, not four. She also agrees that the evaluation tool should include the summary of public comments, to acknowledge and give people an opportunity to be heard, and to share others ideas.

Gerry Schatz on 6th and Mill Street, he supports everything that has been said by commentators. One thing he feels was left out of the discussion was how to preserve the public access to whatever natural areas may remain. He urges us to consider that. Finally he wanted to inquire about the large quantity of truck tires sitting in the clear area of the 7th Street property and hopes that the officials here tonight will

take appropriate action to get that cleaned up.

Commissioner Comments:

ZA Scott shared that the tires on the 7th Street property were brought there from the Leelanau Children's Center and are sitting there until they can be recycled. Tires are no longer allowed on playgrounds and therefore had to be removed from the Leelanau Children's Center as it moves toward reopening.

Commissioner Gale congratulated Vice Chair Woomer on his election. When she presents the four 7th Street proposed uses to the village council, she could differentiate between the two confusing proposed uses by saying: the village would retain ownership of the natural area and develop the other parcel; versus the village would retain ownership of the natural area, but would sell the other parcels to private parties for development.

Commissioner Cavendish congratulated Commissioner Woomer on his election to Vice Chair and added that she is happy to continue serving as Secretary.

Commissioners Newell and Wessell also congratulated Commissioner Woomer on his election to Vice Chair.

Chair Arbury asked commissioners to pull together the number of hours that they have spent on continuing education so she can get it documented. She thanked the public for attending and for their feedback.

Adjournment:

8:38pm Motion to Adjourn - **moved by** Commissioner Newell, **seconded by** Commissioner Wessell, **motioned carried**

Next Special Zoning Review Meeting - Thursday, January 12th, 2023 at 9am-12pm

Next Regular Meeting - Wednesday, January 18th, 2023 at 6pm

Next Special Zoning Review Meeting - Wednesday, January 25th, 2023 at 9am-12pm

Respectfully submitted,
Laura Cavendish, Secretary

** all reports are in December 13, 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.*