

VILLAGE OF NORTHPORT
PLANNING COMMISSION
116 W. Nagonaba St.
Wednesday, March 15, 2023
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, Newell, and Woomer. Excused Absences: Caudill and Wessell.

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:

February 15, 2023 meeting minutes were approved as amended, **moved by Commissioner Newell, seconded by Commissioner Cavendish, motion carried**

Approval of Agenda:

Chair Arbury added under New Business: A. Special Zoning Meeting and B Joint Planning Commission Meeting with Leelanau Township PC (Planning Commission)

Correspondence:

Chair Arbury shared correspondence (*all available in the meeting dropbox*):

Mary Cermak Betzoldt shared documents about wetlands and the 7th street property.

Ruth Butler sent correspondence on the day of the meeting, that is available in the dropbox, and commissioners should look to review. She is urging the commission look to preserve the natural state of 7th street.

David Brigham sent correspondence on Mill Pond that is not directly under discussion with the planning commission.

Public Comment:

Mary Cermak Betzoldt on North Shore Drive. She thanked Commissioners Gale and Cavendish, and Chair Arbury for their hard work. She asked that we all stick with the Seventh Street project until it's completed, so that someone new doesn't have to try and learn everything we've spent over a year studying. She reiterated that she appreciates all our work and is eager to hear the continued discussion on evaluations for 7th street.

Gerry Schatz of Mill Street. He spoke to the short term rental Task Force. He feels the circumstances in our village are a little distinctive. He wants to ensure that the Commission and the council should be very careful to avoid any conflict of interest on the part of participants, and that we need to address how to handle the fact that we may have two people who are short term rental owners and one outside representative who is not. He also reminded everyone that the Short Term Rental Task Force is subject to the Open Meetings Act and should conduct itself accordingly.

Old Business:

Review Planning Commission Work Document*:

Chair Arbury highlighted that the Village Council is to discuss the short term rental taskforce at their next meeting and talk about selection

Commissioner Cavendish asked about the CIP (Capital Improvement Plan) process and what we will be producing moving forward, will it be a list or will it be more involved with additional explanations. Her reason for asking was just to ensure that the commission, and other village committees ensure they are getting the scored projects to the planning commission in enough time to compile and then turn over to the Finance Committee. Commissioner Gale felt that the Village Council and the Planning Commission should discuss this and come to a consensus on how to proceed. She agreed that having one scoring system could make things easier to prioritize, but that in our community we typically have not included projects that are under \$10,000 on the CIP list.

Commissioner Cavendish agreed about setting a dollar amount for qualifying as a CIP and shared an excerpt from the Northport Master Plan (page 59)

“A third means of implementing the Plan is the Capital Improvement Plan. The CIP is a six-year capital improvement budget for the Village enabling it to plan for needed improvements on an orderly basis within its capabilities... ..The advantage of a CIP is that attention can be focused on the community’s needs and objectives and the methods of implementing them. In addition, the administration of the village can be improved, thereby optimizing its tax revenues. This process is so important, in fact that no street Park open space or public building can be constructed or authorized within the village without review or approval of the Planning Commission.”

Commissioners discussed the timing for compiling a list and having it ready for Finance by at least November, and therefore decided to move the start of the 2024 CIP discussion to the August meeting.

Zoning Update:

Chair Arbury recapped where we were at with zoning and directed the start of the conversation to reviewing Arthur Mullen’s (Wade Trim) answers to our questions and then to Article 5 and the land use chart.

1. How to calculate the square footage of a solar array: Arthur does not recommend we use the flat array square footage as the usage, as he feels this would present a hardship, and the area under the array is permeable.
 - Commissioner Cavendish felt that the permeable point isn’t as consistent with our current zoning as his answer implies. A garage stall would have all its square footage used for usage, even if it was open and dirt underneath, same with a covered porch, etc.
 - Commissioners agreed that just counting the base pad was not an accurate way of capturing the spacial usage of a site, but also that the array square footage may not be fair either. Therefore, commissioners agreed to use the actual footprint of the solar unit, from above. So if the fixed display is at an angle the actual ground space it is covering, is what would be calculated. And if that causes problems for an applicant, there is always the ability to file a variance.
2. Can we remove junk yards as an allowable use in all districts: Arthur said that we could remove it and see if anyone presses the issue, but that technically it does need to be allowed somewhere. He said we could make a case that there are no available areas to place one, if we wanted to remove it as a use.
 - Commissioners agreed to leave it as special use in D1 to avoid any potential legal arguments.
3. Revisions to the definition Accessory Dwelling: Arthur shared that the definition was pulled from Michigan Construction Code and he felt we should leave it as he inserted it.

- Commissioners discussed and felt that they understood Arthur's perspective, but did not feel there was a problem with being more clear than the Construction Code, which also is undergoing revisions constantly. Commissioners agreed that their revised version removed a loophole that has been of public concern in the past years.
- 4. Revisions to the definition Undeveloped State: Arthur shared that the definition was pulled from Michigan Zoning and Enabling Act and he felt we should leave it as he inserted it.
 - In this case Commissioners agreed, that since it was from Michigan State law, we should leave it as Arthur had recommended.
- 5. Can we require an LUP (land use permit) for all structures, including sheds or structures that are smaller than 120 square feet: Arthur shared that we can do this, if we would like to.
 - Commissioners reviewed their previous discussions and reasons for looking to requiring all land use to require a permit, regardless of size. Commissioners discussed that structures under 120-200 square feet, could perhaps be a lesser permit fee, such as \$10. Commissioners and the ZA agreed to now require a land use permits for all size structures.
- 6. We would still like to revise Article 3.29 to include all vehicles on wheels and are researching language used in other communities. We also feel we want to add a definition for some or all the following words: Recreational Vehicle, Watercraft, and Auxiliary Vehicle: Arthur felt our definition already covered all the possible vehicles.
 - Commissioners reviewed their previous discussion that the current definition does not define food trucks, golf carts, ATV's, etc. Commissioners felt that his answer made it clear we are on the right track and should add additional definitions.

Chair Arbury summarized that we now had reviewed all of Arthur's answers, and that he also had sent the drafts for CR1 and CI, but that we would be reviewing those at a future meeting, possibly a special meeting.

Commissioners then started review of the Land Use Chart of the Village of Northport Zoning Ordinance Draft 2.0 12/12/22 received from Wade Trim, but were looking specifically on the DI uses. Commissioners also discussed revisions to the intent and purpose for the DI district. All revisions are outlined in accompanying document, NPTzoningordinanceLUChart_PCRevisions031523.pdf**.

Chair Arbury wrapped up the zoning discussion with discussion on a possible amendment to the Wade Trim contract with Arthur Mullen. There are aspects that have taken more time than anticipated, so we may need to discuss additional funds for the continued work on revisions. ZA Scott is working with Wade Trim to get that information for the planning commission to review.

7th Street Review:**

Evaluation Draft Review:

Chair Arbury summarized the current status of evaluations and that they need additional environmental impact data included. She also discussed that last meeting there was some misunderstanding and discussion over proposed use two, and whether the northern portion of the property would have access or not. Commissioners discussed and decided that the entire purpose/concept of retaining ownership of "Lot 1" is that any development on that lot, would still be public land, village ownership. Therefore, there should not be an issue over access through that lot, if the village owns it, the village can create and incorporate access in any development plans for that lot.

Commissioner Cavendish then proposed possibly creating a 7th Street "Notes" dropbox, that commissioners could place their draft evaluations, or other articles or information into. This could then allow all commissioners to read each others thoughts prior to the meeting, giving us time to process and review all of our thoughts, before we discussed. Her thought was this could save us time in the

meeting, versus needing to read through our notes. She felt that to comply with OMA (Open Meetings Act) we would need to make the dropbox accessible to the public for review as well. Commissioners had a lengthy discussion over the different concerns over this creation, but decided that a public 7th Street “Committee Notes” Dropbox would be created and those that wished to place their drafts in the folder could, those that didn’t, would not.

Chair Arbury then asked to discuss what the final product or presentation to the village council, was going to look like. Was it just going to be the evaluations, or do we need to create a list of pros and cons for each use? Commissioner Cavendish shared her concerns that one person’s pro may be another person’s con.

Since Commissioner Cavendish missed the prior meeting, Chair Arbury asked if she could share some of her thoughts after reviewing the drafts created. Given the time, Commissioner Cavendish touched on just a couple aspects and then commissioners could review her evaluations in the dropbox and discuss further next meeting.

On proposed use one (preserve in natural state), Commissioner Cavendish had an additional variation to include. That is the suggestion to rezone the parcel from R2, to a Public Park. Since the Future Land Use map identifies the parcel as “Quasi-Public” that is in line with the current Master Plan, and seemingly wouldn’t need any changes there. Her thought was that if village council did select this use, and wanted to preserve the parcel and prevent future councils from selling the lot, that having it designated a public park, would then require a public vote to sell the parcel. Commissioner Newell agreed that perhaps village council could rezone to Conservation. Commissioners agreed that this would also be in line with the Future Land Use Map, and would make sense as a variation. Commissioner Woomer wanted to ensure we aren’t giving a recommendation to do this, just including it as an option.

Commissioners agreed to review any materials placed in the new Dropbox for notes and be ready to discuss and finalize evaluation drafts next regular meeting.

Master Plan work:

Due to the length of the meeting, the discussion on the Master Plan revisions was moved to the regular April PC Meeting.

Old Business:

Special Zoning Meeting: Commissioners scheduled a special meeting for zoning review only on Tuesday, April 4th from 9am-12pm.

Joint Leelanau Township PC and Northport Village PC Meeting: A joint PC meeting is scheduled for March 23rd at 6:30pm at the Leelanau Township Hall. Zach Hillayer to give a presentation on housing, some background, and answer any questions raised. Chair Arbury wanted to confirm that the commission still wanted to have the meeting, even though she is leaving as chair. Commissioners all agreed it would still be beneficial to have the meeting, and would get the ball rolling for these to be more regularly scheduled.

Zoning Administrator Report:

Report found on the village web site in the PC March 15, 2023 Meeting Packet Dropbox.

Commissioner Cavendish asked if there were any updates on the Spitznagel property development and permits, or the old hospital. ZA Scott shared that she had spoken with Amy Spitznagel after the village

council meeting and it was her understanding that Amy would be proceeding with the process discussed at VC. She had also spoken with the architect for the project at the old hospital, but had no updates or action yet.

Trustee Report:

Commissioner Gale reviewed - report found on the village web site in the PC March 15, 2023 Meeting Packet Dropbox.

Tree Committee Report:

Commissioner Newell shared that at the next meeting they will be getting the plan for Arbor Day together. He also shared that Northport is now officially a Tree City USA, and they are working to get all the publications and information to share publicly to celebrate. The next Tree Committee meeting is scheduled for March 27 at 1pm.

Public Comment:

Gerry Schatz on Mill Street. He was taken aback by the desire to have a private exchange of notes, and wants to ensure that we are complying with the Open Meetings Act by making sure the public has access and knowledge of any new Dropboxes created.

Joanne Geha Swanson on North Shore Drive. She again thanked the commissioners for their hard and conscientious work on 7th Street. However, she still feels we need more data and research on wetlands, and how you value wetlands and assess their benefits. She shared a quote from an article by the US Geological Survey, "If any hope remains for preserving the nation's wetland resources, it depends upon obtaining public support. And that begins with you." She also feels that there still isn't any assessment of what harm will be caused to neighboring property owners. Finally, she asked for a copy of the original deed for the property, which she has been unable to locate.

Sue Manson on North Shore Drive. She thanked commissioners for their work. She was struck that everyone is so excited to become a Tree City, and yet we are considering cutting down and selling the 7th Street property with wetlands and drainage to the bay. She doesn't feel that the two things jive very well, how we can do both.

Commissioner Comments:

Commissioner Cavendish shared an excerpt from the Northport Master Plan. "While growth is inevitable, the village must be concerned that it is sustainable in a world depleting natural resources and increasing pollution. Citizens of Northport must be stewards of the village's share of the planet."

Chair Arbury wanted to clarify that the new Dropbox would be accessible to the public, and we should therefore be compliant with OMA. She also wanted to thank the group and the public that has been sticking with us as we work through all the aspects on our plate.

Adjournment:

9:19pm Motion to Adjourn - moved by Commissioner Newell, seconded by Commissioner Woomer, motioned carried

Next Special Zoning Review Meeting - Tuesday, April 4th, 2023 at 9am-12pm

Next Regular Meeting - Wednesday, April 19th, 2023 at 6pm

Respectfully submitted,
Laura Cavendish, Secretary

** all reports are in March 15, 2023 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.*