

VILLAGE OF NORTHPORT  
PLANNING COMMISSION  
116 W. Nagonaba St.  
Wednesday, April 19, 2023  
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 6:01 pm.

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

January 25 ,2023 meeting minutes were approved as written, **moved by Commissioner Newell, seconded by Commissioner Gale, motion carried**

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

March 23, 2023 Joint Township/Village PC meeting minutes were approved as amended, **moved by Commissioner Wessell, seconded by Commissioner Newell, motion carried**

**Approval of Agenda:**

no corrections or additions (*vote inadvertently not taken*)

**Correspondence:**

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

Mary Cermak Betzoldt sharing her interest in protecting the 7th street property and its wetlands.

Joanne Geha Swanson sent correspondence and attachments in regards to the 7th Street property and her opposition to Proposed Use 3. She shared a detailed review of aspects currently included in the Evaluations of the proposed uses. She concluded asking that the commission reconsider giving the council a recommendation.

**Public Comment:**

Mary Cermak Betzoldt on North Shore Drive. She shared her observations of the animals and habitat on the 7th Street property, given her close proximity to the property. She reminded commissioners of the eight drainage openings that feed into Grand Traverse Bay.

Gerry Schatz of Mill Street. He has reviewed the rubrics for the 7th Street property. With respect to economic value, both the draft of one and a line in the others suggest that it making a natural area or restoring a natural area leaves us without economic value. He feels that's a very narrow view of economic value. If we did not have open space, if we did not have trees, if we did not have native plant, and wetlands, this would be a very uninteresting and unattractive place, it would lose economic value. Thinking about dollars and cents for a one time return is short-sighted. He and his wife, Barb Conley also shared their excitement and eagerness to hear about the housing proposal on the agenda.

Anne Harper of 4th Street. Thanked the group for the diligent and organized work the committee has been doing, and special thanks to the chair, she wishes she would stay on longer. She seconds Gerry's comments on the difficulty of measuring the economic value of wetlands and green space. Many of them have been involved with wetlands preservation at the township level. She shared that the township Planning Commission was just awarded the Michigan Community Environmental award. They also honored our county commission chair Ty Wessell, with environmentalist of the Year Award. She feels they've set a great example for the village Planning Commission to be looking at to in terms of preservation of wetlands. She also finds some of the responses on the evaluations of 7th street somewhat vague or lacking in details. She asks that we keep the environmental considerations foremost, rather than any possible financial benefits.

Kathy Brewer, the daughter-in-law of a resident on Warren Street. She appreciates that our meetings are via Zoom, so she can still attend. She is attending to hear the presentation on Fairway Residences and hopes that there'll be some communication setup, long term and short term, for both during construction and after construction.

### **New Business:**

#### **Proposed Development - Fairway Residences, Cunningham-Limp:**

Michelle Hemeyer introduced herself and shared her excitement for the project they are proposing. She feels that it will help all the businesses in the area, as well as bringing teachers and professionals into our year-round community. She welcomes any questions now or in the future. She introduced Steve Schimpke of Cunningham-Limp to review and present the initial concept of the proposed development.

Steve began by explaining that workforce housing is an issue everywhere throughout the state. He feels they are fortunate in this situation, that they have a business owner, who is also the site owner, who is so personally invested in making it happen. With these ingredients, along with some collateral preliminary support from community members, they now want to talk to the planning commission about the proposal, process, and what further considerations they should work on from the village's perspective.

He shared that the biggest challenge is that their current vision doesn't neatly fall into a current zoning district and that is why they are not yet submitting an official application. They are working to lay out a vision that meets multiple goals: (1) that Michelle and Mark support, (2) that makes sense to the community, and (3) that has a path to economic sustainability. There are a lot of programs right now for housing, but Mark and Michelle really want to locally fund the project and are working on those possibilities. The drive for that decision is that they don't want to wait years for permission or funding, and there are some restrictions within those State and Federal programs that may not fit with what will be good for Northport long term. Michelle and Mark also understand that this is an urgent issue.

Steve explained that there's not a lot of properties where you could talk about 48 units, conceptually, that could be scary. However, they are working to work with their neighbors and appreciate their feedback, and explained that the vast majority of the frontage is on the golf course.

He then reviewed the document and renderings they provided, available in the April 19, 2023 PC Meeting Dropbox.

While looking at the overview drawing, Steve explained that the most efficient thing to do anytime with construction like this is to build structures with shared wall foundations. The current working concept includes three two-story highly efficient buildings with three different rental/cost levels. They won't have elevators, you will be able to walk the stairs to the second floor unit, and all units will have views looking out over the golf course.

Steve explained that the first building is the smallest, and that's by design. Smaller units are more efficient, they can charge less per unit. Therefore, the ability to do some smaller units, group them together, and create the most efficient building, will allow for the lower cost units. The second building is a little bigger units, and offers cover parking as a step up option that could even allow for renters to move up within the complex over time. The third building right now, is conceptually a little bigger unit still, with potentially a bank of garages for your car, bike, kayak, and what residents of all working classes need to enjoy the natural amenities of Northport.

The way the buildings are laid out, they are creating space in the middle. The thought being that this could be a community garden for the residents and possibly even the whole community. They feel this is a great way to keep it green and to create a sense of community. Their priority is to deliver something that's not available on the market today, which is long term rentals. Therefore, that is a priority for the project.

Steve then explained that they need the property to be economically sustainable for itself. They wanted to see if there may be potential for some of units be for available for sale, to help offset costs. They want to ensure that their rental rates will be the right level to make an impact. They don't want to build units that will be expensive apartments that do not help the workforce secure housing. To ensure it has a positive impact.

Their thought right now is they would like to work on submitting an application, if they felt there was a path. So the big reason they're presenting is to get feedback on if they are walking down a viable path. If the PC believes they are, they will move forward on a full design set for that approval process. Steve emphasized there wasn't anything magic about 48 units, it's more how it laid out on the site. They know there's a lot of data out there on what the community needs for a workforce housing. A part of that depends on where does the community Start and End? Certainly 48 units would have an impact. They want to ensure that at a bare minimum they have in 16 units that are truly your entry level workforce rental costs.

Steve then addressed any concerns over short term rentals. They know the village is creating a STR task force to review this issue. The Hemeyers have no interest in short term rentals. All units for rent would be long term rentals and if there were any units for sale, they would ensure they complied with any village STR ordinances. Steve then opened up the discussion to commissioner questions or comments.

Commissioners thanked Steve and the Hemeyers for presenting this vision, bringing it to us, and asking for input and questions during development.

Chair Arbury clarified for everyone that this piece of property has been identified on the village future land use map for multi-family dwellings. Therefore, the village does have the opportunity to move that zoning change forward, if needed. The deciding factor would likely be whether the multi-family unit works, or if it makes more sense to go with a PUD application (Planned Unit Development). Commissioner Gale explained that a PUD allows flexibility in the construction, and can (by village approval) allow construction that doesn't precisely comply with the zoning ordinance. Commissioner Cavendish shared that the PC has had discussions on converting their parcel to the R4 multifamily district in the current Master Plan revision that is underway. That being said, she agreed that a PUD may be the appropriate path, particularly because the community is in such need of workforce housing. She also explained that the village would probably seek some sort of assurance that the units wouldn't turn around and be used as STRs.

Steve explained that when they look at the multi-family zoning, there are still density restrictions that would keep them from the level of efficiency currently in their proposal. They could redesign and still develop a concept that meets those requirements, but they wouldn't be as efficient, and it would restrict

the number of units they could bring to market.

Michelle shared that she has made it very clear that she does not want to see STRs on the property. As a local employer struggling to find staff, she understands the issue well and wants to help solve the problem, not make it worse. The goal of this project is to bring people here that are going to live here, work here, grow here. You can't do that if you're renting out your home. She shared that they have been looking at different management companies trying to figure out who would be responsible for the management and application process, and how can they incorporate restrictions on STRs into the leases.

Commissioner Gale was pleased to see that it's not going to require any significant removal of trees, and that they're looking to add a community garden. Commissioner Newell shared that he also appreciates the community garden, but feels they may want to consider a playground as well.

Commissioner Woomer mentioned that we've had some affordable housing built in the village a few years ago, and the occupants are the owners of those homes. He shared the challenge he sees with those homes is that after five years, the owners can sell the property at market rates. So the homes start out as attainable, but within a short time they are no longer attainable. Then, as a community, we're back to ground zero again.

Michelle explained that they're avoiding programs that have structures or requirements such as that, at all costs. Commissioner Woomer then asked how we could guarantee as a community that in 10 years if they decide to sell the property, that new owners couldn't just come in and change everything that was laid out as attainable. Michelle chuckled, and shared that her husband doesn't sell anything. They buy, sustain, maintain, and they teach their son this as well, so he knows how to do it later. She conveyed that they won't sell, and they're not going anywhere. They are currently building their retirement home here.

Steve explained that the trust part will always be a part of the process. However, when get to things like a PILOT (payment in lieu of taxes) program, it has a tangible agreements where we can all mutually agree what goes into the agreement and what restrictions are included. Therefore, at the village level there could be an avenue to add some additional long term restrictions, if necessary.

Commissioner Gale shared that she thinks the biggest obstacle to overcome is traffic and parking. If we talk about 48 housing units in a residential neighborhood, is that people have to get there and back. She's not suggesting that we'll have 96 cars year-round, but that one of the biggest issues will likely be, "How many times am I going to have people driving past my house where my kids play in the front yard?" Steve shared that this is an area where they can engage their management company. Currently their plan has the lowest cost units with no covered parking, just parking spaces, the mid-range units have carports and the highest level has enclosed garages. And that all comes down to costs and striving to keep units lower in the rental bracket. Mark has even considering in partnership with Northport Energy, putting solar panels on the garages, but it all will come down to costs and ensuring the units can remain affordable.

Commissioner Woomer also asked for more information on the potential space for storage of kayaks, bikes, children's toys, etc. Michelle shared that they have also discussed the possibility of a small storage building on a Northeast portion of the property currently unused in the plan, with a small single locking space for each unit to use as outdoor storage for these sorts of items, with landscaping around the building. They've been trying to figure out the best way to implement this idea, but are thinking on this aspect.

Chair Arbury asked if there is any way to offer or prioritize allotment of these lower cost apartments to folks who already live or work in the Northport community? Can they have a hierarchy structure? Or no? It would be nice to help our citizens working in the community first, or living with family in the area, or

allowing residents retiring to perhaps move to something smaller their homes could then become available, etc. Steve shared that within the Fair Housing Act there are restrictions on limiting or selecting the application pool. However, it is definitely conversations that they've been having.

Commissioner Cavendish then asked for clarification on the sewer connections and asked if they are connected or if that is an obstacle to overcome. Steve explained that the sewer connections do still need to be made, and would look to conversations with the NLTUA board now that they have our feedback.

Chair Arbury asked if all three buildings in the proposal are anticipated to be built at once, or if they expect to build in phases. Steve stated that it was unknown at this time, but they are having conversations around that topic. It's more efficient to build all three at the same time, but funding has to be considered. Lenders are more comfortable once it's a proven entity, so there might be some logic in starting with one or two and proving it's viable, then building the remainder in a second phase.

Commissioner Wessell asked if there does end up being units available for purchase, are they are planning on having a homeowner's association? Steve explained that there will be, but with Mark and Michelle owning the majority as rentals, they would essentially be the majority of the association, which hopefully is a good thing. Michelle added that the other benefit of an association is that it is helpful for streamlining. Everyone is the same snow removal, garbage collection, etc, so it cuts down on that footprint.

Steve concluded by reiterating their goal for the meeting: to determine if their current vision for the project has a path forward with the village. Realizing this is a preliminary layout, so 48 units, could become 44, but generally, does the commission think that's palatable? If so, it then becomes tangible, and they can move to the next steps in their process. The commission unanimously showed support for the project.

Chair Arbury then opened up the discussion to any PUBLIC COMMENT on the presentation, reminding citizens that this is not a site plan review at this time.

Anne Marie Mitchell. She thanked the Hemeyers for this presentation and for their thoughtfulness in going slow and sharing this initial project information with us. She supports the project and is sure the planning commission will figure out the best route to take, whether it's the PUD or zoning change. She thanked them for their efforts and their investment in the community.

Will Harper on Mill Street. He is blown away and thinks this project is great. He is personal friends with Mark and Michelle and wants share they're wonderful people. He is grateful that they're presenting this to Northport.

Zach Hillyer, from Housing North. He thanked the Planning Commission for having this discussion and for giving the opportunity to learn more about the possibility of expanding the workforce housing in our communities. He agreed on the importance of having more rental options for people (in regards to rental costs). He looks forward to discussion over the PILOT options, as the goal with that program is to allow for more locally driven projects.

Chair Arbury concluded that we'll collect comments as they come in and make sure to share those with the Hemeyers. Commissioners asked if there was anything else that the Hemeyers needed or hoped for from the commission at this meeting. Steve shared that they were hoping for an openness to begin the application process and feedback, and they got that in spades.

## **Old Business:**

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

Chair Arbury highlighted the 7th Street work, CIP timeline, Tree committee work and the STR (Short Term Rental) Task Force being established to work on that issue. She recommended that our special PC meeting scheduled for the 25th be a combo meeting covering some initial master plan discussion and then the remainder zoning.

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

#### **Evaluation Draft Review:**

Chair Arbury summarized the current status of evaluations and that our goal at this meeting was to start with the first proposed use, going through each aspect on the rubric and revising. Then as time allows, moving to proposed use 3 and then 2, as the second use is essentially a combination of both one and three.

Commissioner Cavendish shared her viewpoint when working on the evaluations and that she worked to summarize the reports and plans we've reviewed and citing them where applicable. Her hope in this is that the council can understand and digest the entirety of the information reviewed, without having to read all the reports.

Commissioners worked through the entirety of the proposed use one evaluation, comparing and discussing the reports, citations, and final wording, and came to a consensus on each aspect. Those revisions are captured in the document, PC\_I\_7thStEvaluation.pdf, available in the PC April 25, 2023 meeting packet.

**\*\*8:00pm motion to extend meeting to complete agenda - moved by Commissioner Newell, seconded by Commissioner Woomer, motion carried**

Commissioner Cavendish also shared that she had visited the County Register of Deeds and got copies of the original 1941 deed. She explained there are actually two, an original that was recorded with errors, and a correction that same year, that has the corrections. Those deeds are now available in the 7th Street Dropbox on the Planning Commission page on the web site.

Commissioner Cavendish also shared that she had spoken with County Equalization about the discrepancy in the lot lines. They explained that they can't make any adjustments to the lines unless it comes from the Township Assessor, and they didn't believe they had received that. She asked if they had any advice on who we could ask about the difference in the lot lines on the north edge of the property, or how to resolve that concern. They explained that if the surveyor the village hired used a title search company with title insurance, than any disputes over the line in the new survey, would be between the surveyor, title company, and the citizen with any potential dispute - it would not be with the village directly. ZA Scott believed that surveyor John Korr did use a title company as part of the process, but would confirm.

#### **Planning Commission Terms/Officer Election Discussion:**

Chair Arbury explained that our bylaws call for us to elect officers in March. Since we knew the commission was having turnover and are in some transition; she suggested that perhaps we wait until we wrap up a couple of tasks the commission has been working on first. Chair Arbury also wondered if there was a way for the commission to perhaps share some of the responsibilities of the Chair and Secretary, to make it easier for folks in those roles to keep up with the work required. For example, someone could monitor the governance and those issues, someone could help with maintaining the binder in the office and putting packets together, etc.

Commissioners also discussed the term of ex-officio member Commissioner Cavendish, and what



her length of term actually is. The consensus was that perhaps the question could be asked of the village attorney, to clarify if the term is the length of Trustee Cavendish's term, or if it is the length of President McCann's term. Commissioner Gale also pointed out that while reviewing the bylaws, she realized that any trustees serving on the planning commission that are a part of a site plan review, or other approval, can not participate in any subsequent ZBA's that result from those decisions. Commissioners agreed that this is important to note, and perhaps is a reason to add a couple additional members to the ZBA board.

### **Zoning Administrator Report:**

Report found on the village web site in the PC April 19, 2023 Meeting Packet Dropbox.

### **Trustee Report:**

Commissioner Gale reviewed - report found on the village web site in the PC April 19, 2023 Meeting Packet Dropbox. Chair Arbury shared disappointment that we are only at 33 registered short term rentals, when we know from the Granicus report that we have at least 50 STRs in the village.

### **Tree Committee Report:**

Commissioner Newell reviewed his report found on the village web site in the PC April 19, 2023 Meeting Packet Dropbox. The annual Arbor Day celebration will be held on April 28, 2023 at 10am, at the corner of M-22 and M-22 (the turn to Leland). It will be a memorial tree for our former chair and dearly missed friend, Kathryn Frerichs. He asks that we spread the word and invite those that we know to join us in this celebration.

He also shared the newly created Tree Fund donation form, which they are hoping can begin to build up a fund that can be used for trees on public land. He stressed that any amount helps, and mentioned that he's been saving his can returns and donating those funds. The marina is also going to be collecting cans for him throughout the summer. Commissioner Cavendish offered all of her cans and suggested maybe he should have a public donation site. Commissioner Newell is working on ideas to make that happen.

### **Public Comment:**

Mary Cermak Betzoldt on North Shore Drive. She feels that with the 7th Street proposed use 1, all the alternative options for the project should be removed. If the goal is to leave it in its natural state, than that should be all that is included in that plan, and any alternatives can be moved to proposed use 2.

Gerry Schatz on Mill Street. He shared that although Brownfield money is most typically used for economic development projects, Brownfields money is also used for open space and/or green space. This is true, whether it's State of Michigan/EGLE or US EPA.

Joanne Geha Swanson on North Shore Drive. She agrees with the comments that Mary, Gerry, and Anne have made in regards to the rubric. She also wants to ensure that everyone received and reviews her email with comments and suggestions on the rubrics. She understands that the commission has stated they will not be making a recommendation to the village council regarding which of the proposed uses would be best suited for the village of Northport. She is asking that we reconsider that position. At this point she feels there is no one that knows more about this project than the commission. When she is working in her job and asked to research a subject to provide information on it, to provide proposals and possible alternatives, she can't just give the client the information. She includes what is best suited and makes a recommendation.

Sue Manson on North Shore Drive. She wanted to share her thoughts on the Proposed Use 1 evaluation, "Does this remedy an existing deficiency?" She feels that it would clean up the contamination, which is

a deficiency on the site. She also feels that preserving it in its natural state does benefit everyone as it is taking care of the bay. She loves all the Arbor Day activities, but still doesn't understand how with that excitement, that we are considering developing 7th Street. She also agrees with Joanne Geha Swanson, that the commission knows the most about the reports, and has thoroughly reviewed everything and should give a recommendation.

**Commissioner Comments:**

Commissioner Newell commented that he agreed with Joanne Geha Swanson's comments, that we have the insight on the 7th Street property, but that if we were "closet developer," that would be a bad thing. He still feels we should stay out of making any recommendations and just present the information. He feels the commissioners should all attend when council is discussing the evaluations, so they can address questions. He also still feels we should perhaps create a "Cliff Notes" version of the evaluations.

**Adjournment:**

8:49pm Motion to Adjourn - **moved** by Commissioner Newell, **seconded** by Commissioner Wessell, **motioned carried**

**Next Special Meeting - Tuesday, April 25th, 2023 at 9am-12pm**

**Next Regular Meeting - Wednesday, May 17th, 2023 at 6pm**

Respectfully submitted,  
Laura Cavendish, Secretary

*\* all reports are in April 19, 2023 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.*



