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Village of Northport pc <pc@villageofnorthport.net>

Seventh Street Timeline

1 message

Joanne Geha Swanson <jswanson@kerr-russell.com> Tue, Jan 17, 2023 at 10:35 PM
To: "pc@villageofnorthport.net" <pc@villageofnorthport.net>
Cc: Robbie Swanson <swansoro@gmail.com>, Elizabeth Swanson <eliz.swanson@gmail.com>, Christina J Swanson <cswansoprano@gmail.com>, Suzanne Swanson <suzanne.swans@gmail.com>

Dear Ms. Scott:

Please share the below email with the Planning Commission members and place it in the Seventh Street Dropbox. Thank you!!

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Dear Planning Commission Members:

Public Hearing

In reviewing the Planning Commission documents relevant to the January 18, 2023 meeting, I noticed a document titled **Planning Commission Work (Summary as of 1-12-23)**. As to the 7th Street property, it provides a timeline which begins with a February 2022 entry, continues through other timed points, and concludes with the following future undertakings:

Commissioners independently evaluate 3 proposed uses (Jan./Feb 2023)

Begin drafting PC report to VC (February 2023)

Finalize PC report to VC (March 2023)

Present PC report to VC (April 6,2023

Develop plan to present to community

Public Meeting

Village Council makes final determination

Shouldn't the Planning Commission's report be presented to the community for input - and a public hearing held - ***before*** the report is finalized and presented to the Village Council? Holding a "public meeting" after the report/plan is finalized would seem to moot the intent of a "public hearing" as a forum for community discussion. And it seems inconsistent with the "Trustee's Report to the Village Planning Commission" dated January 2023, which states:

> Trustee/Commissioner Gale presented the four land use proposals for the
>
> 7th Street property defined by the Planning Commission. Trustee/Commissioner
>
> Cavendish created visual aids to assist the audience in visualizing the options.
>
> The most recent evaluation tool was shared with the Trustees as well as the plan
>
> to proceed with the evaluation process. The Trustees asked the PC to eliminate the four lot single
>
> -family residential division. The evaluation tool and plan to proceed were accepted with the
>
> caveat that the public hearing be held in April/May when more residents
>
> are in Leelanau.

Doesn't that highlighted language mean that the "caveat" (a public hearing to be held in April or May and not just a public meeting) should be held before the "plan to proceed."

I ask these questions with the utmost respect for the work you are doing. The Seventh Street property has generated a great deal of community interest and concern. In my view, a public hearing should be held before your report is drafted and finalized to avoid the perception that the hearing is merely pro forma and will not affect the outcome.

Evaluation Tool

I have previously commented about the evaluation tool the Planning Commission has devised to evaluate options for the Seventh Street Property and I will not repeat those comments here. However, it seems that important pieces of information are necessary to complete that rubric.

- For example, there is a section that addresses "***Any applicable Federal and State Regulations***," which some of us have discussed and inquired about in comments and correspondence to the Planning Commission and the Village Council. The Wetlands Delineation Report conclusion states "Based on its proximity and connection by drainage to Lake Michigan, the wetland is regulated under Part 303 of the Michigan Natural Resources and Environmental Protection Act , P.A. 451 of 1994. Any development within the wetland will require a permit from EGLE. The USACOE might also claim jurisdiction and require a permit jointly with EGLE. A Soil Erosion and Sedimentation Control Permit will be needed from the Leelanau Conservation District." I certainly may have missed it, but I do not see any information, nor have I heard the Planning Commission discuss, how the applicable federal and state regulations would apply to the development of this property and *whether the Seventh Street options you are considering would comply with those regulations*.

- Another section of the rubric states "***Describe the Environmental Impact***." This is an important question. What sources of information are available to the PC to answer this question?

- Yet another section asks "***Does the project remedy an Existing Deficiency, explain***[.]" In a prior email to the PC Dropbox, I asked about the impetus for developing the Seventh Street property. How and why did this begin? I still do not have a clear understanding of this. I continue to believe that in the interest of transparency, your report should clearly delineate the reason this "evaluation" (for lack of a better word) was initiated nearly six years ago. Is there some deficiency that the options the PC has identified will resolve?

Removal of Deed Restrictions

I previously inquired about the manner in which the restrictions on the property had been removed. I was referred to a letter (email) in the Dropbox from the lawyer consulted about the deed. But that email begins with a "brief disclaimer" that the lawyer did not have, and has not reviewed, the May 26,1941 deed that "established the DNR's right of reversion restricting the 7th street property to park purposes." While the lawyer opines that the restriction for park purposes was removed by a 2018 Quit Claim/Release of Reverter, he asked for a copy of the earlier deed or other documents or agreements that might alert him to other restrictions. Were those documents ever provided to tie up the loose end? I do not see that original deed in the Dropbox.

The Quitclaim Deed which releases the reverter restrictions is in the Dropbox. It quitclaims the property "for Public purposes …" Is the sale of the property to a private developer for subdivision and sale a "Public purpose?"

The deed also contains provisions stating

- if the property is sold, the proceeds from any such sale in excess of expenditures shall be accounted for to the State and local units of Government pro rata …, and
- the State of Michigan reserves the rights of ingress and egress over and across all of the above-mentioned descriptions of land lying along any watercourse or stream, …

I do not know what these provisions mean or are intended to convey, but would this not be something that the Planning Commission should explore and understand (particularly if the impetus is monetary gain)? I have not heard any discussion (or seen any documents) that discuss the meaning of these terms.

Thank you for considering my questions.

Sincerely,

Joanne Geha Swanson

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