

## Fouts Special Land Use Request

Special Land Use Public Hearing Agenda  
Keweenaw County Planning Commission  
March 10, 2022, 5:00 PM

Call to Order:

Roll Call:	John Parsons	Steve Siira
	Barry Koljonen	Dan Steck
	Jim LaMotte	Nancy DeForge
	Jim Vivian, Commissioner Liaison	Daniel Yoder
	Sara Heikkila, Zoning Administrator	

Members excused:

4 Member quorum is \_\_\_\_\_, meeting was appropriately posted.

Pledge of Allegiance:

Approve Agenda:

Guests:

Open Public Hearing to receive public comment on the **proposed Special Land Use as a Drive Through** for parcel 42-101-013-001.

Excerpts from the Zoning Ordinance below:

**Drive-through Establishments:** An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided (as in a drive-in theater).

\*\*Drive-through fast food restaurants, banks, drug stores, photo shops, grocery or party stores, and related businesses. A drive-through window, or motor vehicle oriented pick-up window, even if accessory to the principal use, shall subject the use to all the standards applicable to uses in which the drive-through aspect is a principal feature of the use. Other retail and business service establishments similar to and compatible with the above uses, as first determined by the zoning administrator.

Applicant Comment:

Public Comment – Property Owners within 300 feet  
In Support –

In Opposition –

Written Comments Property Owners within 300 feet read from Chair  
In Support –

In Opposition – The Lassila Family, 131 Stanton Ave, Mohawk, MI

Public Comment from Interested or Affected Persons / Organizations  
In Support –

In Opposition –

Written Comments from Interested or Affected Persons / Organizations  
In Support –

In Opposition –

Questions through the Chairman:

Close Public Hearing:

## **BASIS OF DETERMINATION**

The Planning Commission and the County Board of Commissioners, shall make a specific finding of compliance with each of the following standards:

1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The Special Land Use shall not change the essential character of the surrounding area.
3. The Special Land Use shall not be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the proposed use.

4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity unless planned Improvements have already been scheduled for completion.
5. The Special Land Use shall meet the Site Plan review requirements of Part IV of Article XVIII and in particular those of Section 18.8.3 and 18.25.
6. The Special Land Use shall meet the requirements of Section 10.12 specific to that use.

**10.12.10 Drive-Through Establishments:** Drive-through establishments, including drive-through establishments as an accessory use, are permitted as a Special Land Use in the RS-1, RS-2, B-1 and M-1 Districts when in conformance with the following requirements:

- A. The minimum lot area shall be twenty thousand (20,000) square feet.
  - B. The minimum lot width shall be one hundred twenty-five (125) feet.
  - C. The site shall have at least one (1) lot line on a paved major thoroughfare.
  - D. The outdoor storage of trash and rubbish shall be screened per the requirements of Section 15.5.3.
  - E. An adequate number of outdoor trash receptacles shall be provided in convenient locations at drive-in and carry-out food establishments.
  - F. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
  - G. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent sound or music from being audible beyond the boundaries of the site.
  - H. Bathroom facilities shall be provided at food establishments for use by patrons even if no indoor seating is provided.
  - I. There shall be at least two (2) temporary vehicle stopping spaces after the delivery window so motorists may prepare themselves for a safe exit onto the public roadway.
  - J. Parking shall comply with the requirements of Article XIV, landscaping with Article XV, and signage with the requirements of Article XVI.
7. The Special Land Use shall demonstrate compliance with all other related requirements of this Ordinance.
  8. The Special Land Use shall conform with all applicable County, state and federal requirements for that use.
  9. The applicant is in substantial compliance with any previously issued Zoning Permits and is not otherwise disqualified from receiving a permit under Section 21.7 of this Ordinance.

**General Procedures and Findings at Public Hearing**

1. **Were the proper time limits followed as established in the Ordinance?**
  - a. Notification of Public Hearing Posted on Website February 28, 2022
  - b. Notification of Public Hearing in newspaper February 23, 2022
  - c. Property owners within 300 feet were notified by mail on February 18, 2022
  - d. Public Hearing held on March 10, 2022
  
2. **Keweenaw County Planning Commission Discussion:**
  - a. Has the appropriate summary of information relevant been presented?
    - The Public Hearing was held, and comments were received.
    - The request from Sue Fouts c/o Sundae in the Park has been presented.
    - The staff report has been presented.
  
  - b. Is a summary of all documentary evidence submitted into the record?
  
  - c. What findings were applied with respect to the relevant review standards?

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_ to

Approve / Deny the request for a Special Land Use Permit for a Drive Through Restaurant

If approved, the following conditions are required to be satisfied prior to issuing a zoning permit:

Roll Call Vote:

John Parsons, Chair	Jim LaMotte
Barry Koljonen, Vice-Chair	Steve Siira
Nancy DeForge	Dan Steck
Dan Yoder	Jim Vivian, Liaison for the Board of Commissioners

Next Keweenaw County Planning Commission meeting: March 22, 2022, 4:00 PM

Motion to Adjourn