

Applicant Comment:

Sue Fouts spoke.

The business plan is to open a restaurant and gift shop for carry out and operate a drive through. Food will be grab & go type foods (subs, hotdogs, pizza, etc...), ice cream, and coffee. Proposed business hours will be 6am – 10pm in the summer and 6am – 6/7pm in the off seasons, depending on how many patrons they get they will adjust operating hours. Proposed opening will be somewhere in between May 1 – 10, 2022.

The Item H requirement was discussed (H. Bathroom facilities shall be provided at food establishments for use by patrons even if no indoor seating is provided.). There are bathrooms in the former bank building they are renovating into the restaurant/gift shop, the bathrooms are located downstairs. The applicant contacted the Region 5 Great Lakes ADA Center for advice on requiring ADA accessible facilities in existing structures and were referred to the Federal ADA. They got confirmation from the ADA that if remodeling/or putting in an elevator was not readily achievable (ADA defines “readily achievable” as easily accomplishable and able to be carried out without much difficulty or expense) modifications to existing bathrooms open to patrons do not need to be made at this time.

According to the ADA advice, the applicant contended they meet the Item H requirement.

Once the business has operated for 2-3 years, providing an ADA compliant bathroom will be revisited.

Parking spots were discussed – Ordinance requires 10, application shows 14 spaces.

Dumpster location was discussed – it will be located in the Southeast portion of the property and be enclosed by a 6-foot-tall fence that will only be opened when access is needed.

Public Comment – Property Owners within 300 feet

In Support – None were present.

In Opposition – None were present.

Written Comments Property Owners within 300 feet read from Chair

In Support – 16 letters were returned to the County indicating no opposition to the drive through.

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

Letter was read by the Chair.

Public Comment from Interested or Affected Persons / Organizations

In Support – Mark Aho, Allouez Township Supervisor

In Opposition – None were present.

Written Comments from Interested or Affected Persons / Organizations

In Support – None were received.

In Opposition – None were received.

Questions through the Chairman:

No questions.

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.

**** Application was missing a complete site plan****

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?
 - Yes.

 - c. What findings were applied with respect to the relevant review standards?
 - All Item requirements were presented, and applicant meets all requirements to operate as a Drive Through establishment.

Motion by Jim LaMotte / Seconded by Steve Siira 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:

1. Request the Board of Commissioners approve the permit be active until the property is sold to another party.
2. The applicant is to provide a Site Plan with the application.

Roll Call Vote: **Y** = Yay / **N** = Nay / **A** = Abstain

John Parsons, Chair **Y**
 Barry Koljonen, Vice-Chair **Y**
 Nancy DeForge
 Dan Yoder **Y**

Jim LaMotte **Y**
 Steve Siira **Y**
 Dan Steck
 Jim Vivian, Liaison for the Board of Commissioners **A**

Next Keweenaw County Planning Commission meeting: March 29, 2022, 4:00 PM

Motion to Adjourn: Motion Steve Siira / Second Barry Koljonen