

Keweenaw County Planning Commission
Public Hearing and Regular Meeting
Allouez Community Center
Minutes – October 30, 2012

Chairman Soper call the Public Hearing to order at 6:03 PM

Roll Call:	Jon Soper, Chairman	John Parsons, Vice Chair,
	Jim Huovinen, member	Ned Huwatschek, member
	Tom Hall, member	Steven Siira, member
	Richard Schaefer	Don Piche, Commissioner
	Ann Gasperich ZA	

All members present.

The Pledge of Allegiance was recited.

A motion by Jon seconded by Richard to approve the Public Hearing agenda, passed

Guests: Julie Carlson, Brian Carlson, Susan Schumacher, Barbara Schumacher, Don Keith and Michael Erm.

Jon opened the Public Hearing to receive comment regarding the possibility to rezone from the Wooden Spoon, PID# 42-101-28-400-007 located at 174 Stanton Avenue north to the Mohawk Self Storage Units, PID 101-27-100-006 located at 3644 HWY US 41 on all lots adjacent to US 41 from R-1 to RS.

Jon gave a presentation with slides explaining the current zoning from the Wooden spoon north toward the old LP Mill site. He also explained what changes would occur if the zoning changed from R to RS. The change would allow more tourist services along US 41.

Public Comment -- Property Owners within 300' **

In Support – Julie and Brian Carlson were in support of the change only if this change is necessary to open the insurance business in the old gas station legally.

In Opposition – Barbara and Susan Schumacher were opposed to the changes due to parking concerns all along the Highway.

Written Comments Property Owners within 300' read from the Chair

In Support – none

In Opposition – none

Public Comment from Interested or affected persons/organizations**

In Support - none

In Opposition – Ann received a phone call in opposition and spoke with one resident who was also opposed. They asked that they not be identified.

General discussion included the difference between abandonment and bankruptcy, Questions were raised and answered. Q. Why can't individual property owners apply for a rezoning of their land? A. It can be construed as SPOT Zoning which is illegal. Q. How can we prevent an undesirable business from moving in next door? A. Under RS zoning many different business are allowed and if they are allowed within the zoning ordinance, there is nothing that can be done. Q. Is there a list of businesses that fit under the RS Classification? A. Jon Soper posted the slide of allowable businesses.

Comments were received from the Audience – “I do not have a problem with Brian and Julie putting the insurance office in (the old gas station), it is perfectly suited for that business. But not every property along that corridor should be retail. There should be some sort of check and balance. Some of the properties were built to be business – a building that is outfitted for a business should be able to be a business. If a property is not designed as a home it shouldn’t need to be torn down and refurbished to be in compliance with the zoning, it should allowed to remain a business. – Susan Schumacher

Brian Carlson – Asked what the avenues of approach were? The business was in bankruptcy then it was purchased. There is a deed restriction for office hours – we thought we were ok.

The audience was polled -- Two in Favor – Carlson and two opposed – Schumachers –

Richard & Jim -- Motion to close the public Hearing at 6:49.--

A motion by Jon seconded by Richard to approve the regular meeting agenda with two additions; old business Medical Marijuana and new business Bankruptcy with it falling prior to the findings of fact discussion regarding the proposed rezoning; Passed.

Approve regular meeting minutes of September 25, 2012 motion by Jim seconded by John, approved.

Guests: all listed above still present.

New Business

Bankruptcy – Richard stated, “This case went through a legal exercise called bankruptcy – it was not abandoned. Bankruptcy is a legal process that takes time. The process can take years. Bankruptcy must be considered when applying the zoning ordinance. The property was not abandon; it was in bankruptcy, therefore there was no abandonment.”

Don Piche motioned The Change of use permit granted in May of 2012 was appropriate. The granting of the change of use variance to Central Mohawk Properties; owned by Brian and Julie Carlson at 34 Union Street was a Continued business use from Gas Station to Insurance Company by reason the gas station was not abandoned, it was in bankruptcy. The property transferred from the Holding company to Central Mohawk Holding then to Central Mohawk Properties. John seconded the motion. There was further discussion – called for a vote – All in favor, unanimous approval.

The Findings of Fact for US 41 Mohawk Zoning change was not reviewed entirely due to the majority of the input was negative.

Main Street of Mohawk –was then discussed. A Motion based upon the fact that the majority of the input was negative feedback. The zoning along US 41 shall remain unchanged. Motion by Schaefer, seconded by Huwatschek, passed unanimously.

Jon summarized, “If someone comes along and wants to put in a new business in the residential neighborhood – the answer is no.”

The Zoning Administrator presented her Report.

Two items will be brought on to the next meeting agenda, GAAMP and Poultry.

Unfinished Business

Medical Marijuana request from Robert Strykowski, Sherman Township Trustee – Mr. Strykowski was not in attendance – no action taken –If Mr. Strykowski contacts the Zoning administrator she shall recommend he visit with the Sheriff or the Prosecuting Attorney.

There was no correspondence.

Public Comments -- Please limit comments to 3 minutes, not to exceed 20 minutes in total. None

Commission Final Comments

Jim Huovinen presented a synopsis of the Department of Licensing and Regulatory Affairs regarding Medical Marijuana Program to each commissioner.

Adjournment

Next Regular Meeting – Tuesday November 27th, 2012 6:00 pm at the Houghton Township Hall.