

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 15, 2012

**SUBJECT: Phantom Fireworks Special Exception Use Approval
(1950 South Industrial Highway)
Project No. SEU12-003**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and hereby approves the Phantom Fireworks Special Exception Use for the temporary outdoor sales (maximum 180 days) of fireworks and seasonal items, subject to receiving a permit and inspection from the Fire Marshal each time the tent is erected.

STAFF RECOMMENDATION

Staff recommends that the special exception use be **approved** because the proposed use is compatible with the zoning district; will not be hazardous or inconvenient to the neighborhood nor unduly conflict with normal traffic; and does not encroach into a required open space or occupy required off-street parking spaces.

LOCATION

This site is located on South Industrial, south of East Stadium, in the front of the Colonial Lanes and Cubs A.C. restaurant parking lot (South Area and Mallets Creek watershed).

DESCRIPTION OF PETITION

The petitioner requests permission to periodically erect a 40-foot by 40-foot (1,600 square feet) tent and 8-foot by 40-foot storage container (320-square feet) in the Colonial Lanes parking lot facing South Industrial Highway for the temporary outdoor sales of fireworks and other seasonal items. The tent and storage container would be setback 25-feet from the street and occupy approximately twenty four parking stalls and temporarily close the northeast, two-way traffic entrance by placing four orange traffic cones and yellow tape in the parking lot. The remaining four entrances to the site would remain open. The sales tent would operate from 10:00 a.m. to 10:00 p.m. every day of the week with sales hours extended to midnight depending upon sales demand leading up to July 4th.

The Colonial Lanes site is zoned C3 (Fringe Commercial District), which allows certain types of temporary outdoor sales. Special exception use approval is required because fireworks and other seasonal items are not currently sold from within a principal building on the property. If fireworks were currently sold from within a principal building, temporary outdoor sales would be permitted within certain size, placement and duration limitations.

The site contains 224 existing parking spaces. The combined bowling alley and restaurant use requires a total of 246 parking spaces. The proposed temporary sales tent will occupy

approximately 24 of these spaces leaving 200 spaces vacant. During the temporary outdoor sales, vehicular circulation as well as the barrier-free spaces near the bowling alley and restaurant entrances will remain unchanged.

The petitioner sent out a notice informing property owners within 500 feet of the Colonial Lanes site of the temporary outdoor sales proposal. No concerns have been received by staff at the time this report was written.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Car Wash	C3 (Fringe Commercial District)
EAST	Retail and Offices	C3 and M1 (Limited Industrial District)
SOUTH	Retail Center	C3
WEST	Salvation Army, Warehouse	C3

HISTORY AND PLANNING BACKGROUND

The Master Plan Land Use Element recommends industrial uses be encouraged along the northern end of South Industrial Highway.

The use restrictions for the C3 (Fringe Commercial District) zoning district were amended in 2009 to allow special exception use approval of temporary outdoor sales or display of goods and services not normally sold from within the principal building on the lot. No fireworks are currently sold from within the principal buildings on the lot; therefore, the proposed use requires special exception use approval.

SPECIAL EXCEPTION USE STANDARDS

The City Planning Commission, in arriving at its decision relative to any application for a special exception use, shall apply the following standards:

Use and Specific Standards

The applicant requests special exception use approval to permit the following use(s):

A re-occurring sales tent for fireworks. The fireworks tent would operate every day of the week from 10:00 a.m. to 10:00 p.m. and until midnight if demand for fireworks increases as July 4th approaches.

The petitioner has not indicated this site would be used for any other types of outdoor sales. It is ideal for seasonal sales, and the special exception use should include these seasonal items.

The proposed use is allowed in accordance with:

Chapter 55, Section 5:10.23(3).

General Standards

The proposed use(s) shall be of such location, size and character as to be compatible with the appropriate and orderly development of the zoning district and adjacent zoning districts in which the site is situated. In applying this standard, the Planning Commission shall consider whether the proposed use: (Petitioner responses in regular type. *Staff comments are in italic type.*)

1. Will be consistent with the general objectives of the City Master Plan.

We will put up a 40-foot by 40-foot fire retardant tent with a \$10 million liability insurance policy with the land owner added as additional insured. An 8-foot by 40 foot storage container is also proposed.

The selling of fireworks and seasonal items at this site is compatible with the commercial zoning for this location.

2. Will be designed, constructed, operated and maintained in a manner that is compatible with the existing and planned character of the general vicinity.

The tent will be secured and manned at all times with no safety hazards. All products will be stored in the storage container every night. All areas will be kept clean with no safety hazards.

3. Will be consistent with the general character of the neighborhood considering population density, design, scale and bulk; and the intensity and character of activity.

The tent will consist of open outdoor sales.

This area is commercial and surrounded by commercial. The temporary outdoor sales are compatible with the retail character of this area.

4. Will not be detrimental to the use, peaceful enjoyment, economic value or development of neighborhood property, or the neighborhood area in general.

The tent is for temporary outdoor sales/display of fireworks for 10 days. Only Class C Michigan legal fireworks are sold.

5. Will not have a detrimental effect on the natural environment.

The Class C fireworks are legal in Michigan. There is no detriment on the environment.

6. The location and access to off-street parking and the safe provision for pedestrian traffic.

The tent is located in a large parking lot. There will be more than 150 parking spaces available.

The proposed location is part of the Colonial Lanes Bowling Alley and Cubs A.C. restaurant. There are currently 224 parking spaces for this site and 200 vacancies when the tent is set up.

The proposed location of the tent will also not impact existing pedestrian circulation within and around the site.

7. The relationship of the proposed use to main traffic thoroughfares and to streets and road intersections.

The tent is located off an existing entrance and there are numerous entrances (4) off South Industrial Highway to access this site.

The traffic engineer approved this temporary outdoor sales proposal.

8. Vehicular turning movements in relation to traffic flow routes.

There will be no restrictions in traffic flow.

9. The intensity and character of traffic and parking conditions on the site and in the general area.

The bowling alley is very slow this time of year.

The petitioner indicates bowling demand is low during the summer months and plenty of parking spaces are available. Approximately 200 parking spaces remain available to the alley and restaurant uses and the temporary sales will not harm the traffic or parking conditions of this site.

10. The requirements for additional public services and facilities, which will be created by the proposed use, will not be detrimental to the social and economic welfare of the community.

No additional public services or facilities will be needed.

SERVICE UNIT COMMENTS

Fire Marshal - A tent inspection from the Fire Department for code compliance and safety must be scheduled and a permit received. To guarantee inspector availability, the inspection is best scheduled at least one week before the event. The tent/canopy must be erected for the inspection and the site ready for opening.

The tent/canopy must meet appropriate fire retardancy specifications and documentation must be available on site with this information. Requirements are NFPA 701, CA State Fire Marshal's test, or equivalent standards for fire extinguishers, exits, electrical connections, tent supports and fire hydrant access.

If Consumer Fireworks are going to be sold at this location, a separate fireworks license must be obtained from the State of Michigan and available on site.

Permits will be valid through the end of the calendar year. If the structure remains into a new calendar year, a new inspection and permit must be secured. Documentation of State licensure must also be presented.

Any changes to the tent location on the site, changes to the site or adjacent businesses, will require a new review and inspection of the permit, with applicable additional fees. If the tent is taken down and re-erected within the permitted period, a new inspection and permit needs to be scheduled and received, with applicable fees.

Planning – The proposed outdoor sales tent does not encroach into the required front open space for the lot and does not take up barrier free parking spaces near the bowling alley and restaurant entrances. The petitioner indicates there is a lower demand for parking spaces during the summer months as bowling leagues are not held during the week of June 24 thru July 7th and the number of open alleys is capped at 12. Staff has visited this site and concurs that sufficient parking spaces are available for the bowling alley and restaurant.

The approval of this special exception use for fireworks and additional seasonal items will allow for temporary outdoor sales to continue for up to 180 days on a yearly basis if the petitioner applies for a Zoning Compliance Permit. The proposed sales tent does not appear to negatively impact this site or the surrounding uses. Staff supports this proposal.

Prepared by Chris Cheng
Reviewed by Wendy Rampson
mg/5/9/12

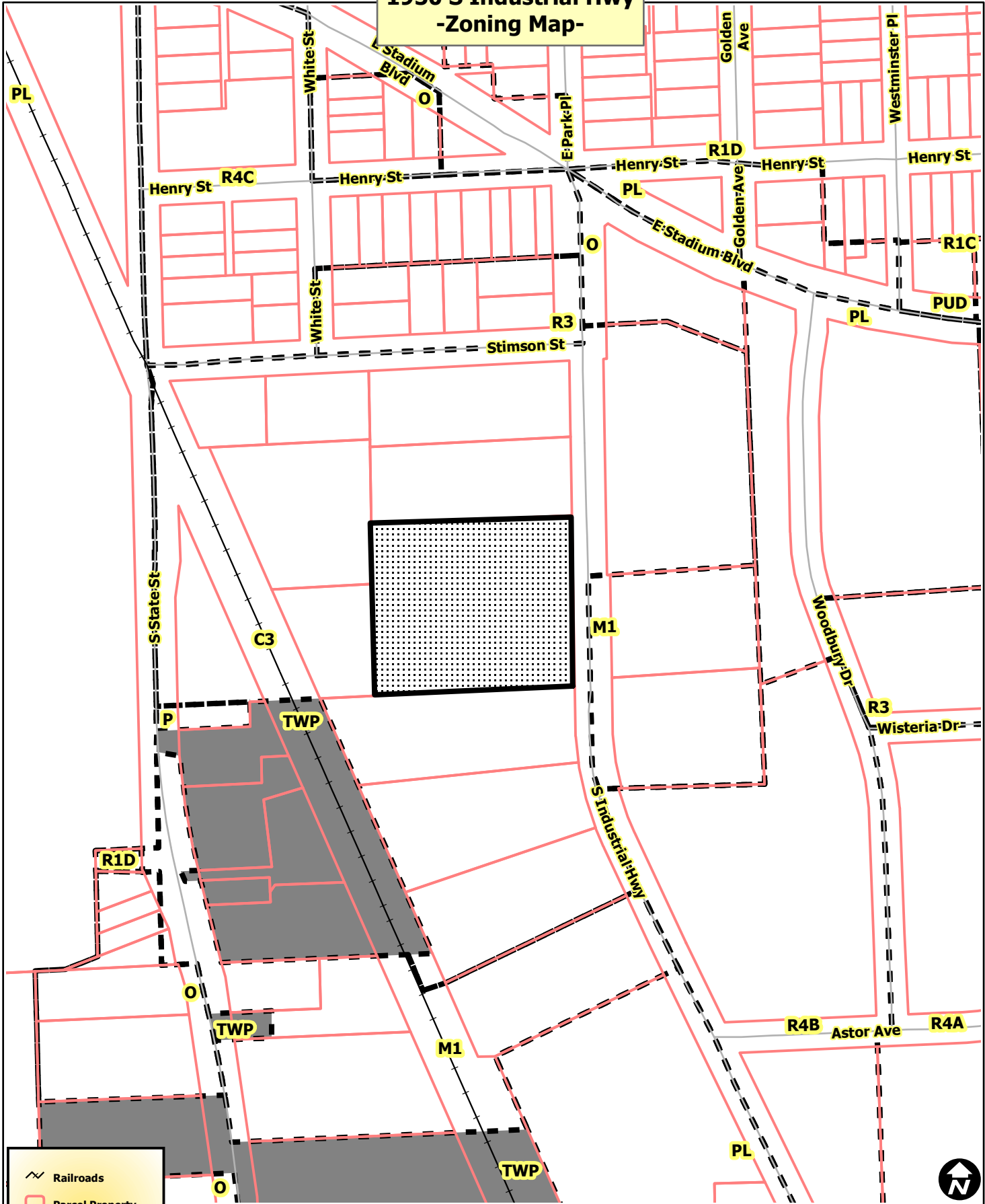
Attachments: Parcel/Zoning Map
Aerial Photo
Plot Plan





c: Petitioner: Rick Tapper
Phantom Fireworks
555 Martin Luther King Jr. Blvd.
Youngstown, OH 44502

Controller of Property: Mark Voight, President
Voight Enterprises, Inc.

Fire Marshal
Systems Planning
Project No. SEU12-003

1950 S Industrial Hwy -Zoning Map-



-  Railroads
-  Parcel Property
-  Township
-  City of Ann Arbor



City of Ann Arbor Map Disclaimer:
 No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.
 This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.
 Map Created: 3/26/2012

1950 S Industrial Hwy -Aerial Map-



 Railroads
 Parcel Property



City of Ann Arbor Map Disclaimer:
 No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.
 This map complies with National Map Accuracy Standards for mapping at 1 inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.
 Map Created: 3/26/2012

1950 S Industrial Hwy -Plot Map-



8 ft by 40 ft
Storage Container

40 ft by 40 ft
Tent

Orange
Cones

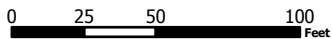
25 ft

Generator

S Industrial Hwy

224 Total Parking Spaces
24 Parking Spaces Used
200 Available Parking Spaces

Parcel Property



City of Ann Arbor Map Disclaimer:

No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.

This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.

Map Created: 5/10/2012