

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 15, 2010

**SUBJECT: Big Shot Fireworks Special Exception Use Approval
300 South Maple Road (Project No. SEU10-002)**

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 Big Shot Fireworks Special Exception Use for the temporary outdoor sales 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 in the front of the Quarter Bistro restaurant parking lot within the Westgate Shopping Center, and is in the Allen Creek watershed.

DESCRIPTION OF PETITION

The petitioner requests permission to periodically erect a 30-foot by 50-foot (1,500 square feet) tent in the Quarter Bistro parking lot facing South Maple Road for the temporary outdoor sales of fireworks and other seasonal items. The tent would occupy approximately six parking stalls and temporarily close a two-way traffic aisle by placing four orange traffic cones in the parking lot. The sales tent would operate from 9:00 a.m. to 7:00 p.m. every day of the week with sales hours extended to 9:00 a.m. to midnight one week before July 4th.

The Quarter Bistro site is zoned C3 (Fringe Commercial District) and has 51 existing parking spaces above the minimum off-street parking requirement (96 required, 147 existing). The proposed sales tent will not occupy required parking spaces and will maintain adequate vehicular circulation as well as the barrier-free spaces near the restaurant entrance.

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.)

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Commercial	C3 (Fringe Commercial District)
EAST	Commercial	C3
SOUTH	Commercial	C3
WEST	Highway	C3

PLANNING BACKGROUND

The site is located in the West planning area. The Master Plan Land Use Element recommends continued commercial use for this site and the surrounding area.

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 reoccurring sales tent for fireworks, novelties, jerseys and other seasonal objects throughout the year. The fireworks tent would operate every day of the week from 9:00 a.m. to 7:00 p.m. and from 9:00 a.m. to midnight one week before July 4th.

The petitioner has also indicated this site is ideal for seasonal sales and requests that this special exception use 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 30-foot by 50-foot fire retardant tent with liability insurance.

The selling of 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.

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 is 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 and are Class C Michigan fireworks.

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

The Class C fireworks are legal in Michigan.

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. Extra parking exists on site.

The proposed location is part of the Quarter Bistro restaurant and parking lot. There are currently 51 excess parking spaces above the minimum required for this site. The proposed fireworks tent will not impact any required off-street parking. 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 entrance and there are numerous entrances on South Maple Road to Westgate Shopping Center.

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.

There will be low intensity for the temporary outdoor sales with plenty of parking.

The Quarter Bistro has extra parking spaces and the temporary sales will not harm the traffic or parking conditions of this site or Westgate Shopping Center.

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. The tent must meet appropriate fire retardancy specifications and documentation must be available on site with this information. Applicable permit fees must be paid.

If the tent is taken down and re-erected, a new inspection and permit needs to be scheduled and received, with applicable fees.

If fireworks are going to be sold at this location, a separate fireworks permit must be obtained and applicable fees paid.

Permits will be valid for one calendar year. If the structure remains into a new calendar year, new inspections and permits must be secured.

If the location of the tent changes or any changes are planned for the parking lot and adjacent businesses, this project should be reconsidered and reviewed anew.

Planning – The proposed outdoor sales tent does not encroach into the required front open space for the lot and does not take up any required off-street parking. It appears to be a good fit in the commercially zoned site and the surrounding shopping center. The petitioner sent out a notice informing property owners within 500 feet of the Quarter Bistro site of the temporary outdoor sales proposal. No concerns have been received by staff at the time this report was written.

This site has been selling fireworks from a tent without incident since 2006. The approval of this special exception use for fireworks and additional seasonal items will allow the temporary outdoor sales to continue. The proposed sales tent does not appear to negatively impact this site or the surrounding shopping center. Staff supports this proposal.

Prepared by Chris Cheng
Reviewed by Wendy Rampson
jsj/6/10/10

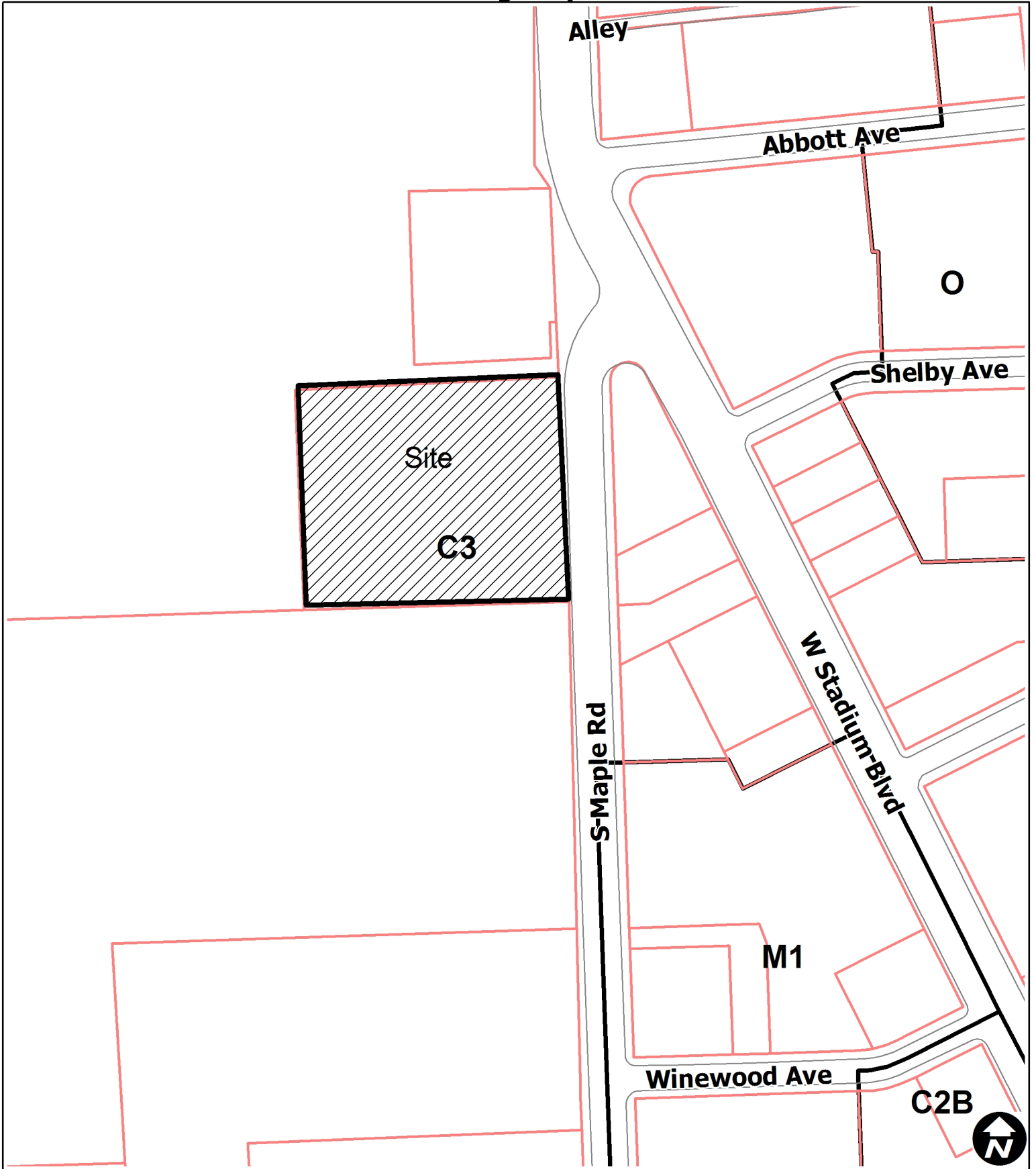
Attachments: Parcel/Zoning Map
Aerial Photo
Plot Plan

c: Petitioner: Rudy Rodriguez, Jr.
Big Shot Fireworks, LLC
4875 State Road 127 N
Fremont, IN 46737

Owner: Theo Mecos
300 South Maple Road
Ann Arbor, MI 48103

Fire Marshal
Systems Planning
Project No. SEU10-002

300 S. Maple -Zoning Map-



0 95 190 380 Feet



Maps available online:

<http://gisweb.ewashtenaw.org/website/mapwashtenaw/>

Map Legend

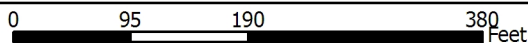
— Railroads

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300 S. Maple -Aerial Map-



Map Legend
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300 S. Maple -Plot Plan-



0 30 60 120 Feet



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