

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 19, 2018

SUBJECT: Steinman Magic Carpet Special Exception Use (for Temporary Outdoor Sales) with Site Plan for Planning Commission Approval

700 Briarwood Circle

File No. SEU18-029

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, including an accompanying site plan, finds the petition substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and therefore approves the Steinman Magic Carpet Special Exception Use for Temporary Outdoor Sales at 700 Briarwood Circle. This approval is based on the following findings:

1. The proposed use will be consistent with the C2B (Business Service) District which allows mixed uses including residential, office and commercial use.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections. There is adequate access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. Through documentation submitted by the applicant, the temporary outdoor sales will be operated in a manner that will not have an adverse impact on the neighboring properties or area, and will not have a detrimental impact on natural features.

This Special Exception Use approval is based on the following conditions:

1. Sales are permitted for up to 90 days between June 1 and November 30 of each year.
2. A zoning compliance permit, as well as any other required approvals such as building permits or Fire Marshal permits, are obtained for each occurrence.

And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards as no physical development of the property is proposed.

STAFF RECOMMENDATION:

Staff recommends that the special exception use be **approved with conditions** subject to Planning Commission consideration because the proposed special exception use is of such location, size and character as to be compatible with the zoning district in which the site is situated; and the location and size of the proposed use, its nature and intensity, the site layout and access, and effect of the proposed use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.

LOCATION:

This site is on the inside of the Briarwood Circle ring road near the intersection of Briarwood Circle and Mall Drive. Briarwood sub-planning area, Ward 4.



Figure 1- Location Map

DESCRIPTION OF PETITION:

The applicant seeks special exception use approval for temporary outdoor sales by others in a portion of the parking lot at Briarwood Mall. Carpets and paintings will be displayed and sold under a 40-foot by 100-foot tent located inside of the ring road near the intersection of Briarwood Circle and Mall Drive, northeast of the Mall. The applicant

has requested annual sales events between 31 and 90 days. (See proposed motion above, staff comments below.)

Per the Zoning Ordinance, Chapter 55, temporary outdoor sales for businesses that are not principle uses require special exception use approval.

The requested area has been zoned C2B (Business Commercial) since June 14, 2018. (See Briarwood Parking Lot Rezoning Petition, project no. Z17-016 and Ordinance ORD-18-11 adopted on June 4, 2018 and effective June 14, 2018.)

SURROUNDING LAND USES AND ZONING:

	LAND USE	ZONING
NORTH	Office	O (Office)
EAST	Parking Lot, Commercial	P (Parking), PUD (Planned Unit Development)
SOUTH	Parking Lot, Commercial	C2B (Business Commercial)
WEST	Parking Lot, Commercial	P, C2B

HISTORY AND PLANNING BACKGROUND:

Briarwood Mall was developed in the 1970's. At the time of its initial development, the mall building and area immediately surrounding it was zoned C2B and the area in between the ring road and C2B district was zoned P (Parking). The largest land owner of the mall complex, Briarwood, LLC, submitted a rezoning petition for the portions of their land zoned P. Their petition was partially approved in June 2018 through ORD-18-11 which rezoned the portion of Briarwood, LLC's Parcel 2 inside of the ring road from P to C2B.

The Zoning Ordinance recognizes and permits three types of outdoor sales:

- Outdoor Sales, Permanent. A principal, permanent use that requires site plan approval to designate the sales area.
- Outdoor Sales, Temporary. An accessory use for an existing business that requires a zoning compliance permit.
- Outdoor Sales, Temporary by Others. A temporary use for sales or display of goods that are permitted to be sold in the zoning district by a business other than the owner or operator of a principal use.

SPECIAL EXCEPTION USE STANDARDS AND ANALYSIS:

Background – Special exception uses are uses that are not permitted by right but may be approved on an individual, case-by-case basis if certain standards and conditions are met. Permitted principal uses in the C2B district include single and multiple-family residential, general and medical offices, retail sales and commercial businesses and services. Special exception uses include fueling stations, medical marijuana

provisioning centers, vehicle wash, drive-through facilities for a principal use, and temporary outdoor sales by others.

The applicant is seeking special exception use approval to allow temporary outdoor sales by others.

General Standards – As provided in Section 5:104(3) of the Zoning Ordinance, the Planning Commission shall apply three standards, each involving several considerations, in arriving at its decision relative to any application for a special exception. The original petition as submitted by the applicant can be found [here](#) and further explanation of the proposed use can be found [here](#).

1. **The proposed use or uses 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:
 - a. City Master Plan goals and objectives.
 - b. Compatibility with the general vicinity.
 - c. Compatibility with the immediate neighborhood.
 - d. Detrimental impacts to adjacent property or the neighborhood.
 - e. Detrimental impacts to natural environment.

2. **The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, the assembly of persons in connection therewith, and the effect of the proposed use on public services and facilities, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.** In applying this standard, the Planning Commission shall consider at minimum:
 - a. Pedestrian safety.
 - b. Existing transportation network.
 - c. Vehicular turning movements.
 - d. Off-street parking.
 - e. Additional public services and facilities requirements.

3. **The standards of density and required open spaces for the proposed use shall be at least equal to those required by the Zoning Ordinance for the**

zoning district in which the proposed use is to be located, unless a variance is granted.

Staff Analysis – The proposed use satisfies the first two standards and the third standard is not applicable.

Regarding standard #1, sales of carpets is compatible with the existing land uses on the same parcel (two restaurants) and with the existing businesses in the Briarwood Mall. It is also compatible with the existing general, medical and financial offices on the outside of the ring road in the vicinity of this site.

Regarding standard #2, the existing transportation network provides safe, convenient and adequate service for all modes. The Briarwood Mall has excessive off-street parking and can both accommodate the loss of spaces from temporary tent and the additional spaces needed for the temporary customers. No additional public services are needed to support the temporary outdoor sales use.

The approved [site plan](#) for Parcel 2 is referenced to document existing conditions, and a [plan](#) specific to the special exception use has been submitted illustrating the proposed location of the tent, how circulation will be maintained in the parking lot, and demonstrating fire hydrant coverage for the tent.

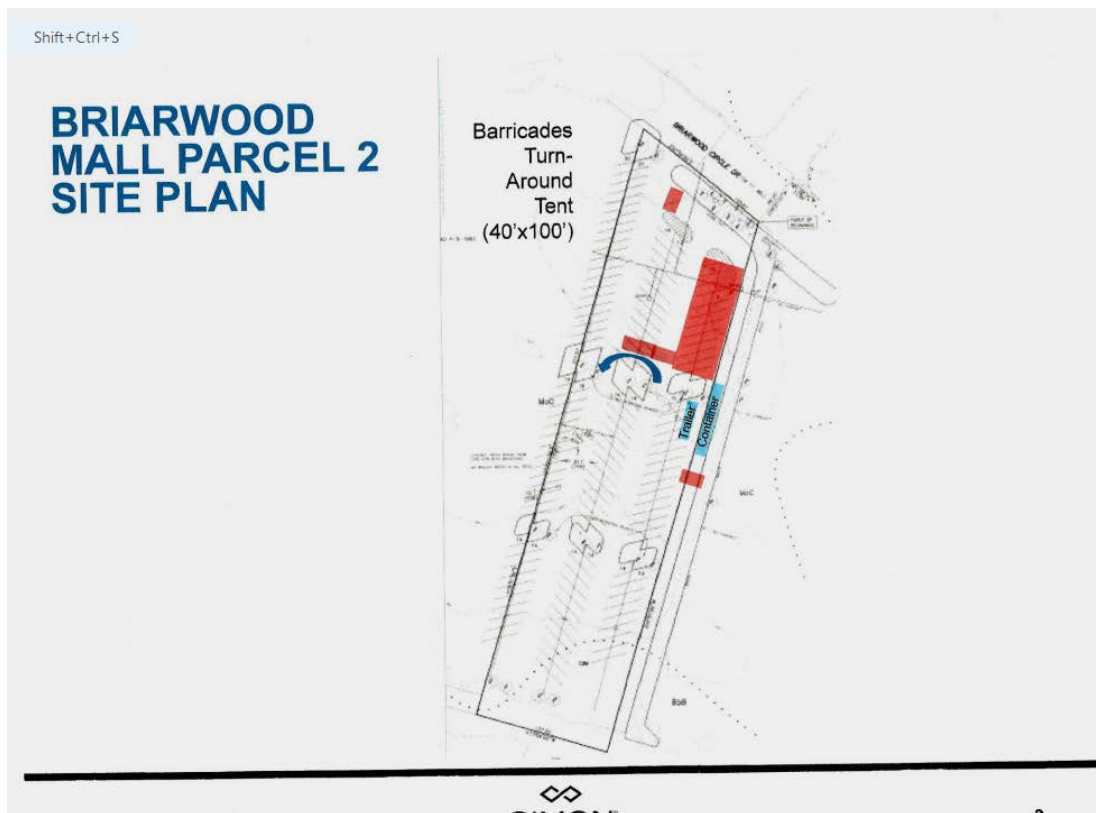


Figure 2 - Site Plan sheet 2

STAFF COMMENTS:

Planning – The applicants have requested temporary outdoor sales “ongoing yearly, for 31 to 90 days.” Staff are concerned this broad and vague language may be difficult to administer. We recommend the Planning Commission condition the special exception use approval to a specific timeframe and suggest in the proposed motion that sales for up to 90 days between June 1 and November 30 be permitted. Other ranges may be considered as well. With a clarification on the sales timeframe, staff recommend approval.

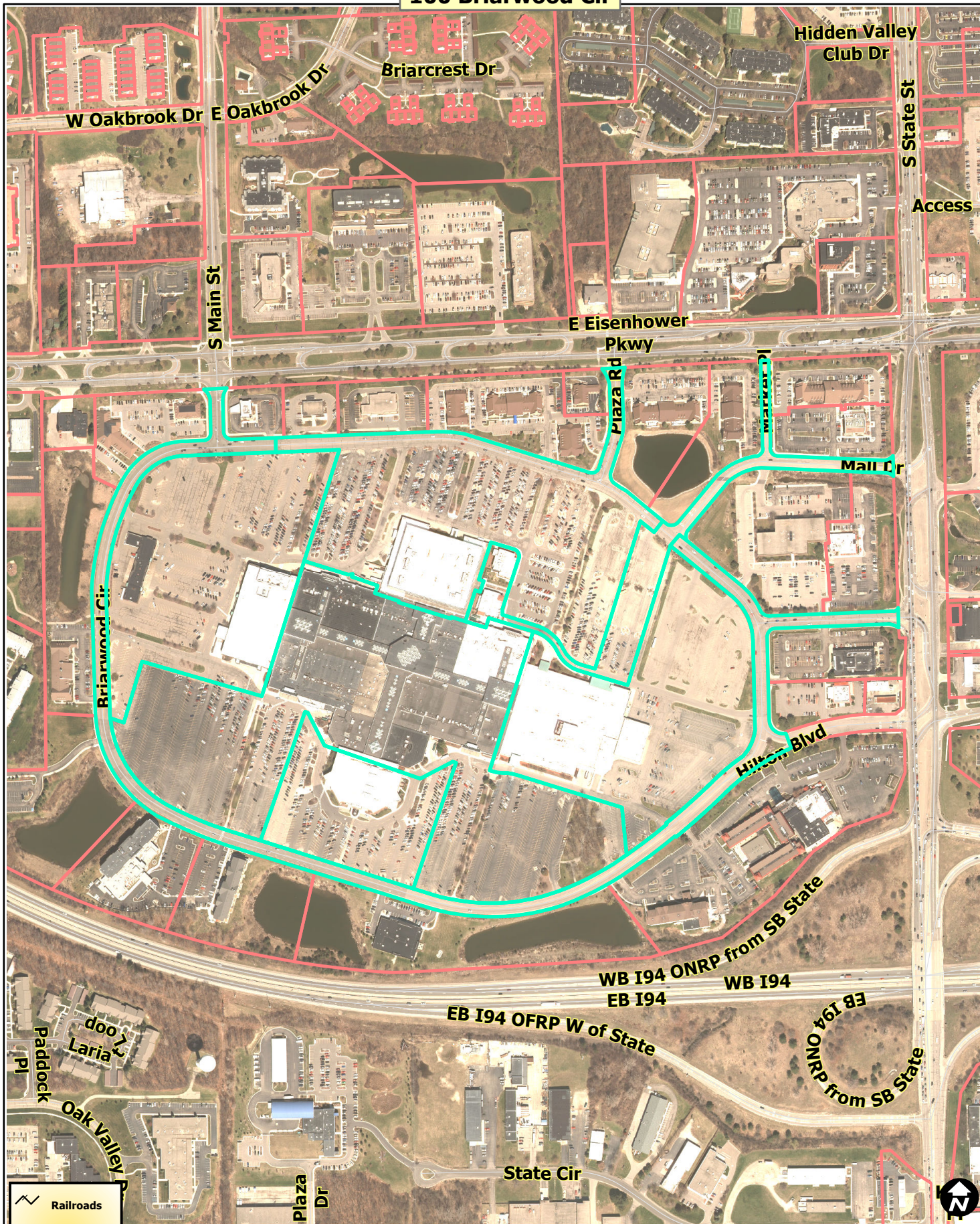
Engineering – Location is within the required fire hydrant coverage radius.

Prepared by Alexis DiLeo, City Planner
Reviewed by Brett Lenart, Planning Manager
6/14/18

Attachments: Zoning/Parcel Maps
Aerial Photo
[SEU Petition Application](#)
[SEU Site Plan](#)
[Briarwood Restaurants Site Plan](#) (approved January 6, 2014)

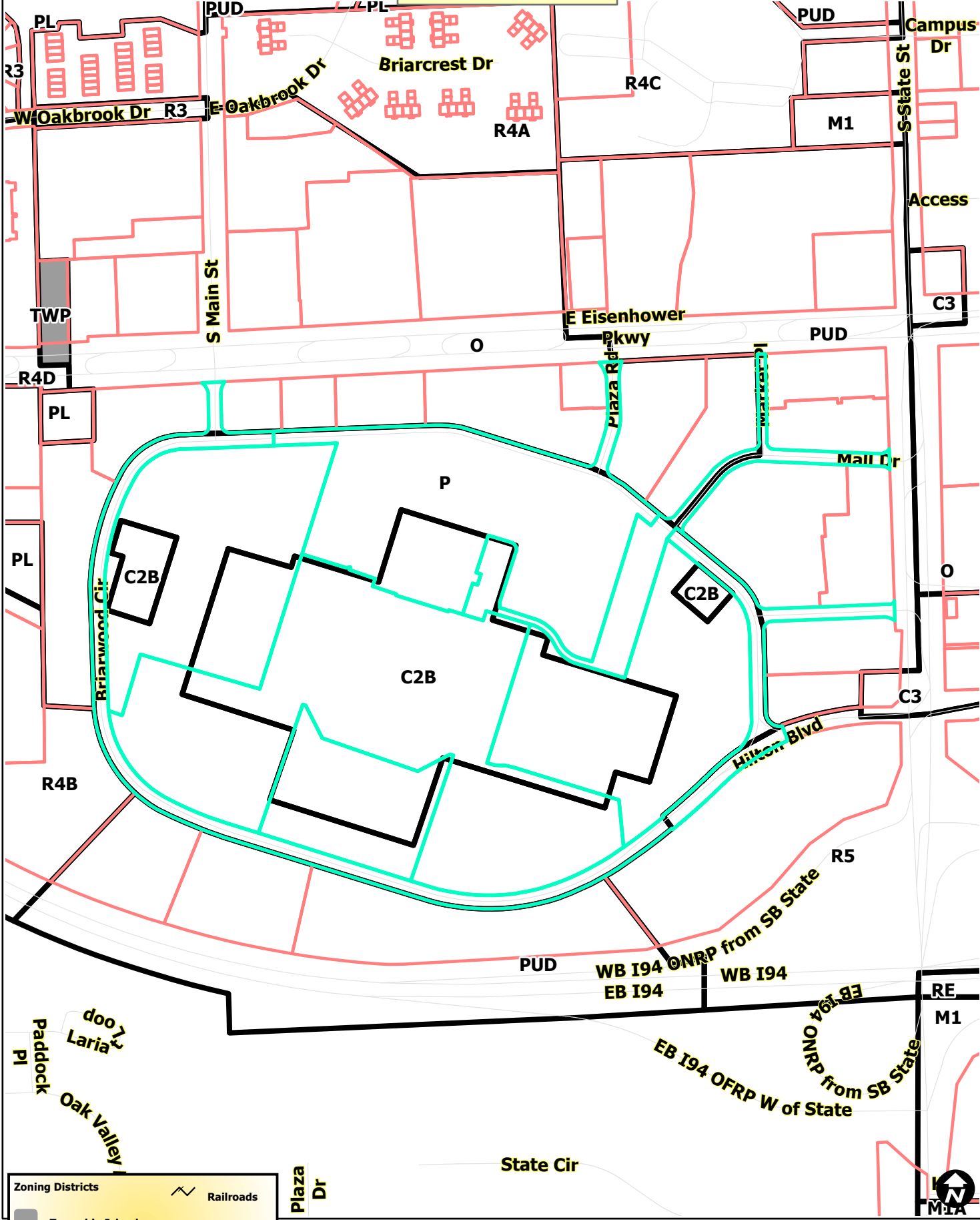
c: Petitioner – Steinman Magic Carpets, LLC (Lewis Steinman)
Petitioner’s Agent – Steinman Magic Carpets, LLC (Lura Schmiedeke)
Property Owner – Simon Properties (Erika Williams-Hickman, Mall Manager)
Systems Planning
Fire Marshal
File No. SEU18-024

100 Briarwood Cir



Map date 5/31/2018
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100 Briarwood Cir



	Zoning Districts		Railroads
	Township Islands		Huron River
	City Zoning Districts		Tax Parcels



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