

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of May 20, 2014**

**SUBJECT: Patriot Fireworks Special Exception Use Approval  
(2750 Jackson Avenue)  
Project No. SEU14-004**

**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 Patriot Fireworks Special Exception Use for the temporary outdoor sales of Class C 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 the north side of Jackson Avenue, west of the I-94 overpass, in the Twin Valley shopping center, and is in the Allen Creek watershed.

**DESCRIPTION OF PETITION**

The petitioner requests permission to periodically erect a 40-foot by 8-foot (320 square feet) storage container and up to a 20-foot by 20-foot tent (400-square feet) for protection of inclement weather in the Twin Valley parking lot for the temporary outdoor sales of Class C fireworks and other seasonal items. The tent and storage container would be setback 45 feet from the street and occupy approximately five parking stalls.

Traffic circulation to the businesses in Twin Valley shopping center will not be impacted. The main entrance to the store and to the center will remain unchanged. The sales tent would operate from 12:00 p.m. to 7:00 p.m. every day of the week with sales hours extended on Memorial Day and 4<sup>th</sup> of July weekend to 10:00 a.m. to 11:00 p.m.

This site is zoned C2B (Business Service District) and has 76 parking spaces per the approved 1986 site plan. The shopping center requires a range of parking from 43-50 parking spaces. The proposed temporary sales area will occupy approximately five of these spaces. During the temporary outdoor sales, barrier-free spaces near the business entrance will remain available.

Special exception use approval is required because fireworks and other seasonal items are not currently sold from within principal buildings 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 petitioner sent out a notice informing property owners within 500 feet of the Twin Valley shopping center site of the temporary outdoor sales proposal. Staff received a call from a resident in the Lakewood neighborhood, located southwest of this site, concerned that children would cross Jackson Avenue at unsafe locations to purchase fireworks.

### **SURROUNDING LAND USES AND ZONING**

	LAND USE	ZONING
NORTH	Highway	UNZ (Unzoned)
EAST	Highway	UNZ
SOUTH	Cemetery	AG (Agriculture)
WEST	Vacant and Auto Repair	R5 (Hotel) & C3 (Fringe Commercial)

### **HISTORY AND PLANNING BACKGROUND**

The Master Plan Land Use Element recommends commercial uses be maintained at this site.

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):**

Fireworks sales.

**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.**

The petitioner proposes to install a 40-foot by 8-foot fireworks container and up to a 400-square foot tent for sales.

*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.**

*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.**

*This area is commercial and surrounded by commercial types of uses on the north side of Jackson Ave. 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 fireworks tent would operate every day of the week from 12:00 p.m. to 7:00 p.m. and until 11:00 pm if demand for fireworks increases as July 4<sup>th</sup> approaches.*

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

*This location will be inspected by the State Fire Marshal.*

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

The proposed location has approximately 30 parking spaces in front of the Laundromat business providing ample parking and safe pedestrian circulation.

*The tent is located in a large parking lot and lit from street lights and parking lot lights. Sidewalk fronts this shopping center, but there are sidewalk gaps to the west of this site and to the east, where safe pedestrian crossing is recommended from the south side of Jackson Avenue to the north side.*

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

This location has direct access to Jackson Ave.

**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 traffic is consistent.

*Plenty of parking spaces are available for the commercial uses located at this site. The temporary sales will not harm the traffic circulation 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 will be performed during the Consumer Fireworks Sales inspection. 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.

Tents/canopies require appropriate number of fire extinguishers, based on tent dimensions and layout (Per NFPA 10). Exits must be appropriate in number to size and layout and clearly marked. Exits must be free and clear to provide egress to an area of safety. Electrical in the area must be covered or elevated so it is not in public access areas. Tent/canopy supports must be safeguarded so as not to endanger public. Fire access to the tent/canopy, surrounding structures, fire hydrants, and fire hydrant connections must be kept clear and accessible at all times. Fire lane requirements must be observed. "No Smoking" signs must be posted. All fireworks must remain in original packages. An attendant must be on site at all times.

A Consumer Fireworks Sales license must be obtained from the State of Michigan and available on site during the inspection. Permits will be valid through the date specified. 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 from the State of Michigan, with applicable additional fees.

Traffic – The temporary outdoor sales use will not impact traffic at this location.

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 for the commercial center. Staff has visited this site and concurs that sufficient parking spaces are available for the uses located in the commercial center.

Staff investigated the citizen comment about the lack of pedestrian crossings along Jackson Avenue. The proposed sales area is approximately 1/8 mile from the edge of the Lakewood neighborhood. The closest crossing is east of the I-94 interchange at the signal. However, since state law restricts fireworks sales to those under age 18, this should prevent children from crossing Jackson Avenue to purchase fireworks.

The approval of this special exception use for fireworks and additional seasonal items will allow for temporary outdoor sales to continue on a yearly basis if the petitioner applies annually 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/5/15/14

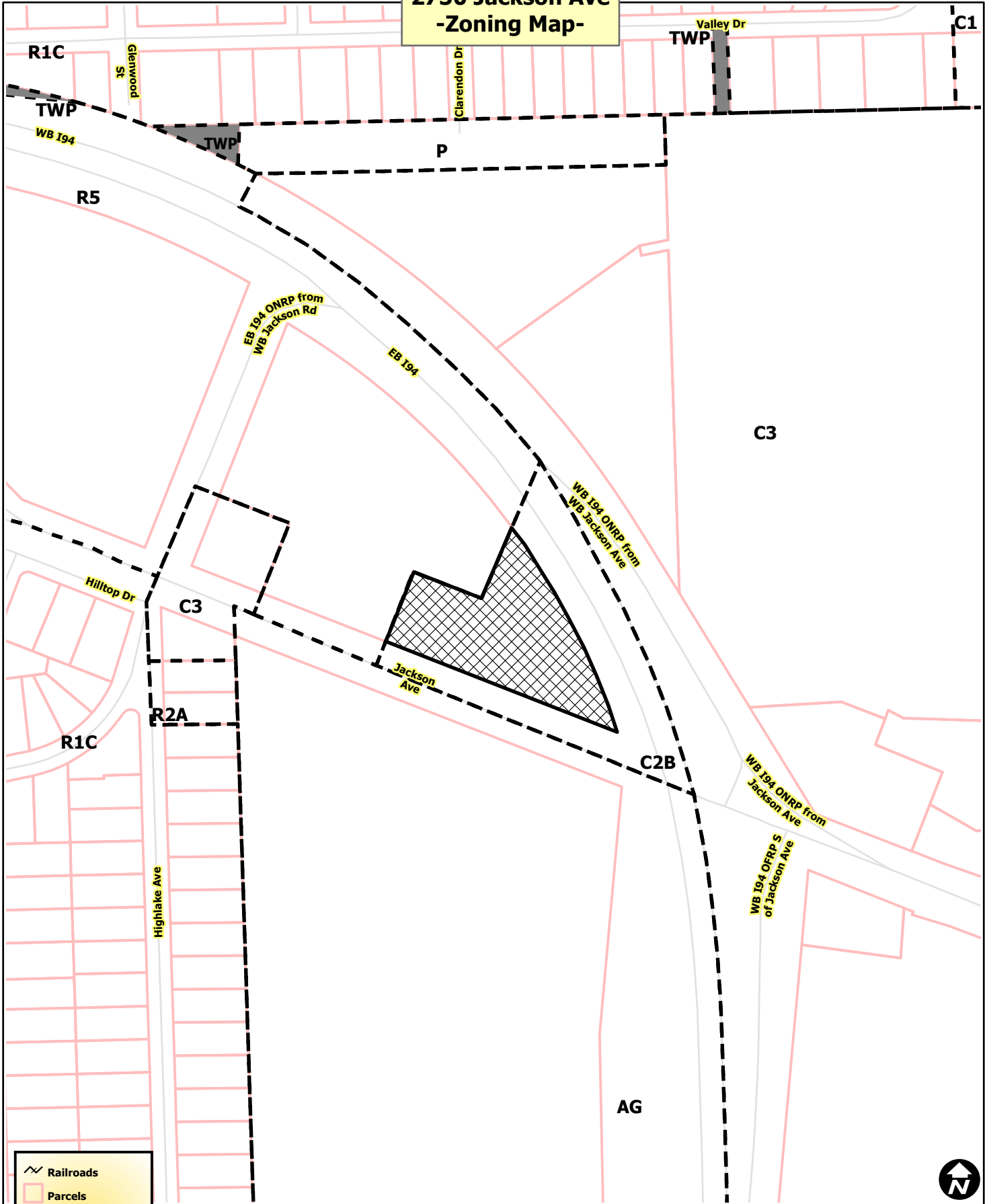
Attachments: Parcel/Zoning Map  
Aerial Photo  
Plot Plan

C: Petitioner: Robert C. Horvath  
2531 Jackson, Suite 176  
Ann Arbor, MI 48103

Property Owner: Arbor West Center, LLC  
20025 Shadyside St.  
Livonia, MI 48152

Fire Marshal  
Systems Planning  
Project No. SEU14-003

# 2750 Jackson Ave -Zoning Map-

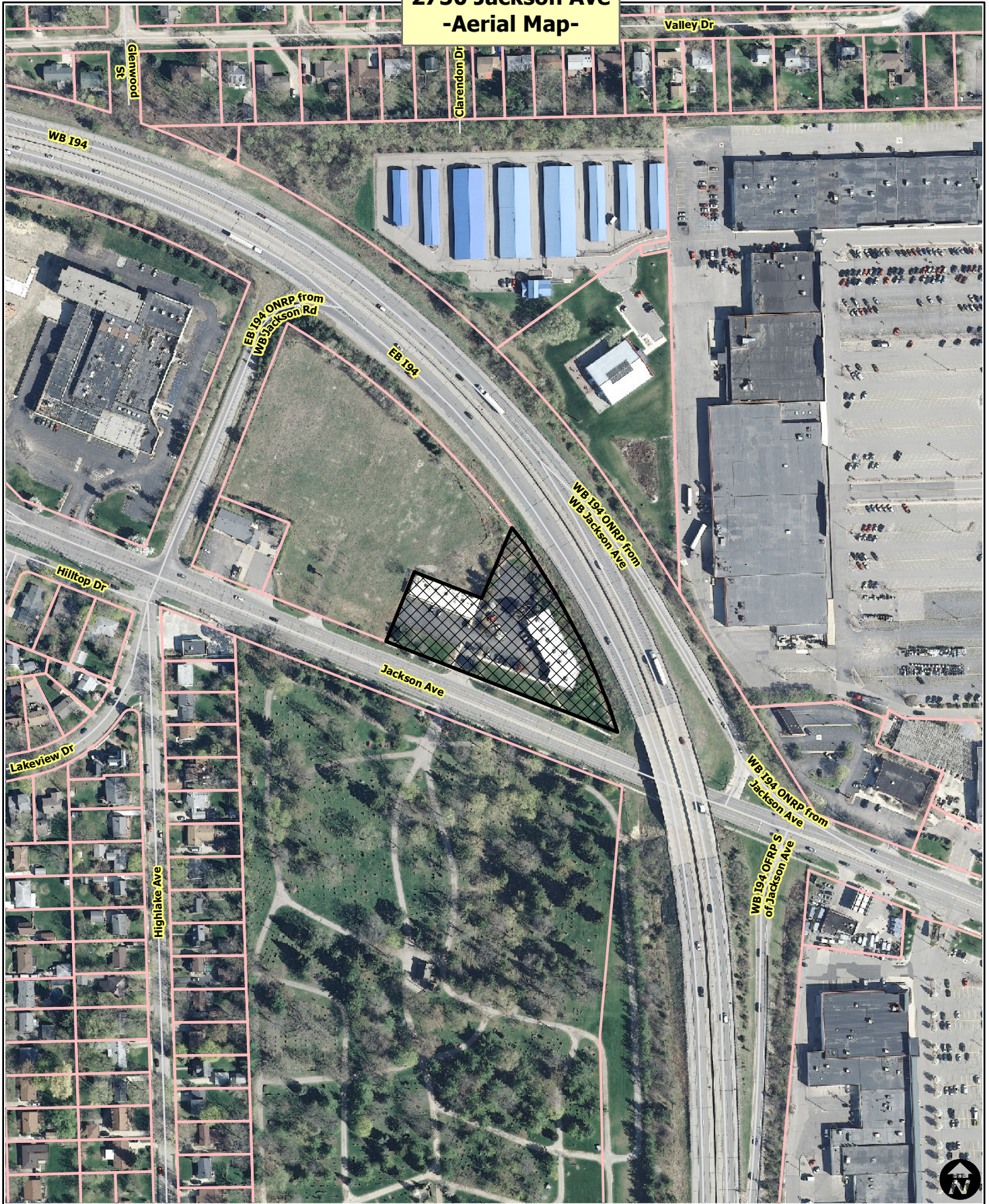


- Railroads
- Parcels
- Huron River
- Zoning**
- Township Islands
- Zoning Districts



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# 2750 Jackson Ave -Aerial Map-



-  Railroads
-  Parcels
-  Huron River



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**2750 Jackson Ave  
-Aerial Map-**



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2750 JACKSON AVE.

135 FT

58 FT

35 FT

FIREWORKS STAND  
CONTAINS  
8x40 FT

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