

To Planning Commission
Hearing Date May 5, 2022
Case Number TUP 22-49
Request Temporary Use Permit | Fireworks
Sales of Class "C" Fireworks
Location 11608 S. Union Avenue W.
Applicant Jake's Fireworks

Staff Report

Preparer | Marcaé Hilton

Attachments

- CASE MAP
- SITE PLAN
- APPLICATION, INSURANCE CERTIFICATE,
LETTER OF AGREEMENT

Preparer

INCOG
APPLICANT
APPLICANT

Background Information

STAFF COMMENTARY | Jake's Fireworks plans to sell fireworks on a commercially zoned lot. This applicant was approved last year to sale fireworks in the City of Jenks.

Doing business selling fireworks in Jenks since 2012

2022 Dates of Operation | June 20-July 5

- *Sales of Class "C" Fireworks*
- *Set up | June 15*
- *Tear down | July 10*

PLANNING DATA

Public Comment None | Notice mailed out and posted online
Zoning CG | Commercial General
General Location South of 111th (116th) and West of S. Vancouver Ave also known as S. Union Avenue West
Acres 4.68
Surrounding Zoning North | CS (PUD 97)
West, South, East | AG (AGRICULTURE)

Evaluation | This application was made prior to adoption of the new Unified Development Ordinance (UDO). The UDO allows for the sale of fireworks (Seasonal Sales) as part of the TUP application process.

UDO Language | *(E) Seasonal Sales.*

- (1) A Temporary Use Permit, as detailed in Section 16-9-2(G) of this UDO, shall be obtained prior to the commencement of any seasonal sales activity.*
- (2) Seasonal sales shall include the outdoor display or sale of seasonal merchandise not otherwise associated with the principal use of the lot such as holiday tree, firework, or pumpkin sales.*
- (3) Seasonal sales shall be permitted for a period not to exceed forty-two (42) days per calendar year.*
- (4) Seasonal sales areas may utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is less.*
- (5) Seasonal sales areas shall not block pedestrian walkways in a manner which reduces the width of that walkway to less than five (5) feet.*

(G) Temporary Use Permit.

- (1) Purpose. A Temporary Use Permit shall be required prior to the commencement of a Temporary Use identified in Table 16-3-4(B), Table 16-3-4(C), and/or Table 16-4-2(K).*
- (2) Temporary Use Permit Review Criteria. To approve the issuance of Temporary Use Permit, the City Planner shall make an affirmative finding that the applicable criteria is met*

The request must meet the code requirements for an Intensive Temporary Use Permit and comply with the standards established in 1902. 2. Temporary Use Minimum Zoning Regulations or seek a waiver.

Zoning Code Language | [CHAPTER 19 - TEMPORARY USE PERMITS](#) | Sec. 1900. -
Purposes.

1900. 1. General. | Temporary Use Permits are required for a range of different uses that are temporary in nature and are required to be removed following the expiration of the permit. A Temporary Use cannot be applied for on a residentially zoned property or within a residential subdivision except as specifically outlined within this section for the marketing of a new residential subdivision or for public infrastructure projects. Temporary Use Permits are required for uses such as special events on private lands, carnivals, seasonal businesses (including Christmas Tree Lots and Firework Stands). Temporary Uses considered as open air sales not associated with sales from a principal building must comply with Appearance Review Guidelines. A temporary use can be specified for a single event time up to 45 days, up to a 180-day period, or for one year. Temporary uses are

identified by two categories, Temporary Uses—Intensive and Non Intensive. A Temporary Uses—Intensive requires process as outlined under Section 1901 Application—Intensive.

Temporary Uses—Intensive.

1. The following uses can be applied for up to 45 days.

A. Special Events on private lands.

B. Carnivals.

C. Annual, Seasonal (Holiday), or Recurring Uses (Including Christmas Tree Lots and Fireworks Stands).

Approving this request as submitted will:

1. Recommend to City Council a waiver of the *dust free all-weather surface*. (part of the surface is dust free)
2. Recommend to City Council approval, allowing Jakes Fireworks to sell Class “C” fireworks during the requested timeframe. (June 15, 2022-July 5, 2022)

Recommendation | Approve Temporary Use Permit-Intensive to allow for the sale of fireworks waiving the dust free parking and meeting the requirements of 1902. 2. Temporary Use Minimum Zoning Regulations including but not limited to someone being present 24 hours a day with access to restroom facilities and provide screening from public view for trash receptacles and storage.

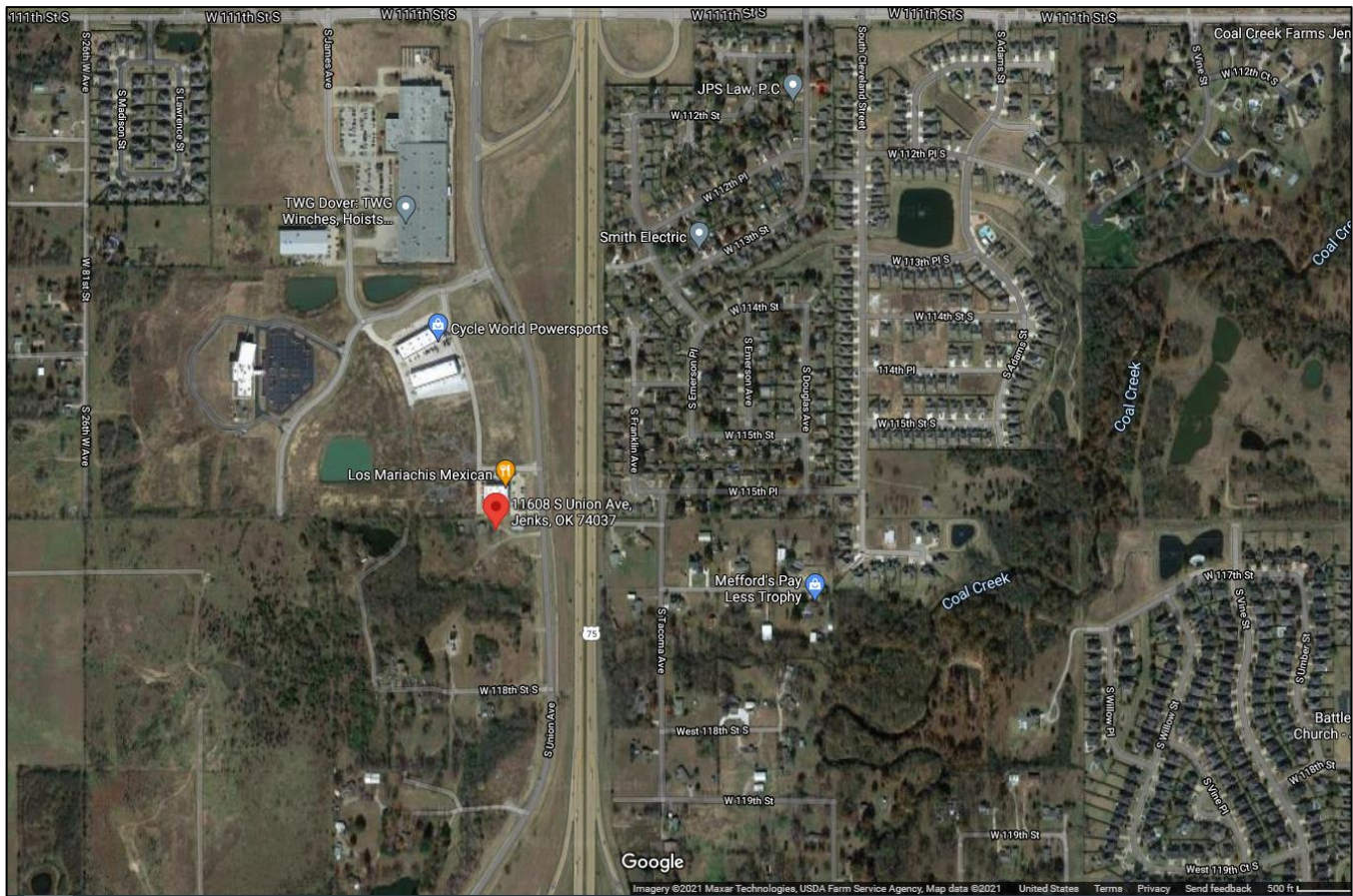


Figure 1: Aerial View of site



Figure 2: Street view of site

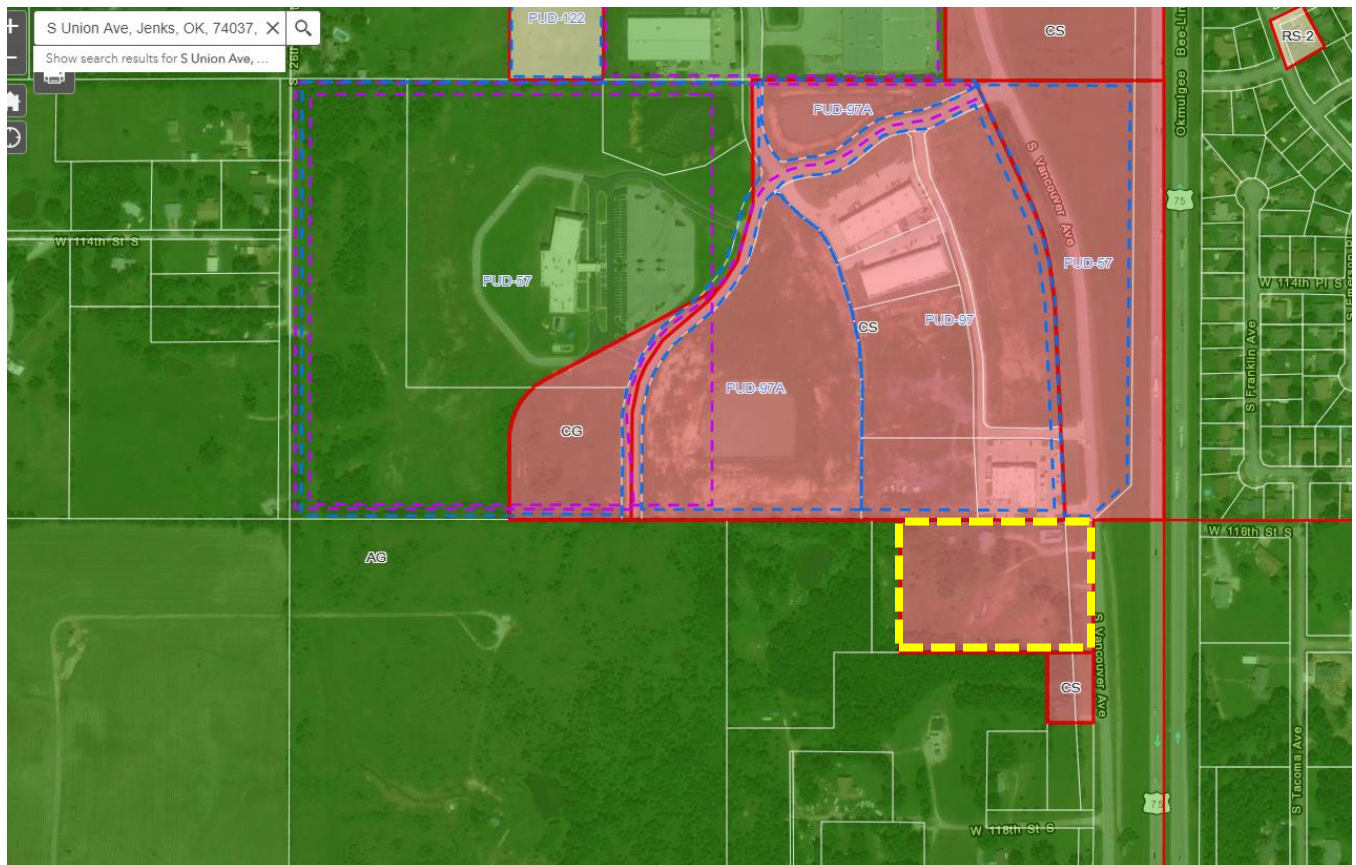


Figure 3: Zoning map of area