

To Planning Commission
Hearing Date May 5, 2022
Case Number TUP 22-50
Request *Temporary Use Permit-Intensive | Fireworks Stand*
June 15, 2022-July 5, 2022
December 27, 2022-January 1, 2023
Location 10597 S Elm
Applicant Melissa Torkelson | DBA Big Blast

Staff Report

Preparer | Marcaé Hilton

Attachments

CASE MAP

Preparer

INCOG

APPLICATION, INSURANCE CERTIFICATE,
LETTER OF AGREEMENT, SITE PLAN

APPLICANT

Background Information

STAFF COMMENTARY | Big Blast Fireworks (Jenks Band) plans to sell fireworks on an agriculture zoned lot. This application is unchanged from last year and several years prior.

1. Doing fundraising in Jenks since 2012.
2. 2022 Dates of Operation | June 15-July 5
 - o Class C Fireworks
 - o Set up | June 15
 - o Tear down | July 5
3. 2022-2023 Dates of Operation | December 27, 2021-January 1, 2022
 - o Class C Fireworks

PLANNING DATA

Public Comment 0 inquiries | Notice mailed out and posted online

Zoning AG | Agriculture

Comprehensive Plan Development Sensitive

General Location 10597 S Elm Street | West 106th and Elm, northeast corner

Acres 41.79

Surrounding Zoning AG (Agriculture) | North (AG-FD), West, South, East

Parcel ID 983-3083-302-4440

Staff Evaluation & Recommendation

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*

This request must meet the code requirements of the existing City Code 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. Staff requests a waiver of the *dust free all weather surface* and otherwise sees no reason to deny the request.
2. Enable the Jenks Band to sell Class “C” fireworks
 - a. June 15, 2022-July 5, 2022
 - b. December 27, 2022-January 1, 2023

Recommendation: Approve both requested dates

1. Approve | 2022 Dates of Operation | June 15-July 5
 - Class C Fireworks
 - Set up | June 15
 - Tear down | July 5
 - Approve Temporary Use Permit Item No. 1-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.
2. Approve | 2022-2023 Dates of Operation | December 27, 2022-January 1, 2023
 - Class C Fireworks

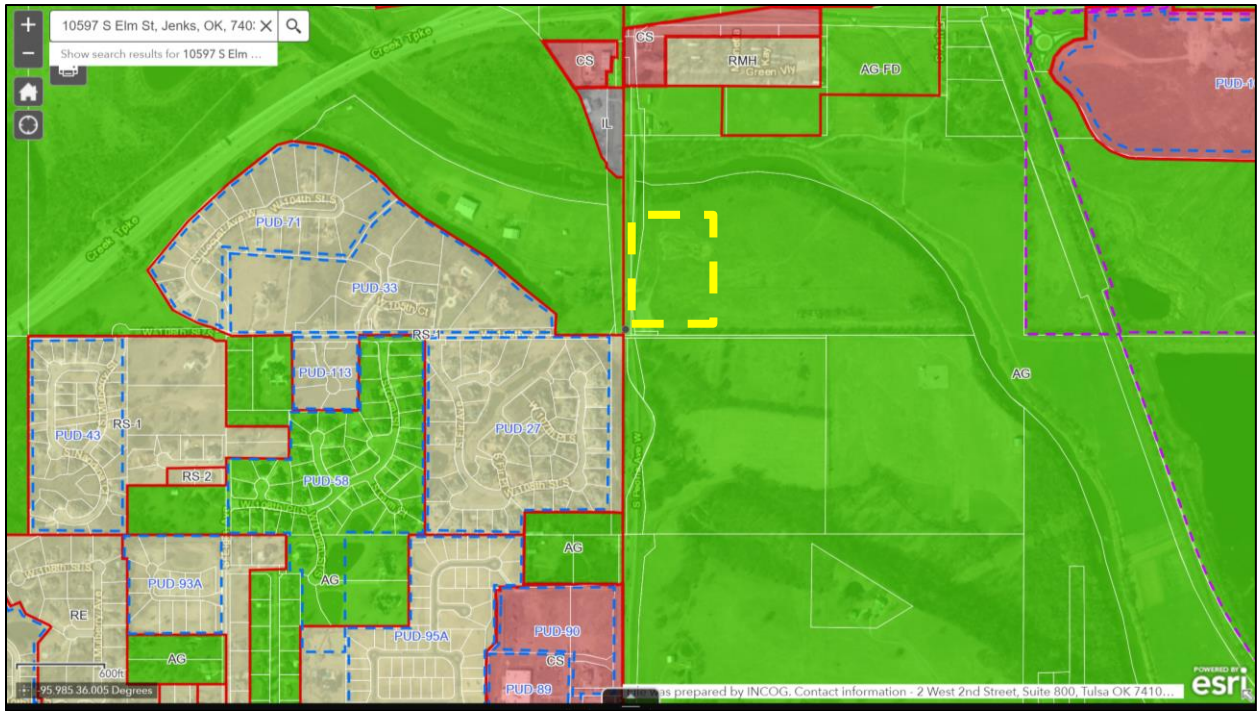


Figure 1: Zoning Map

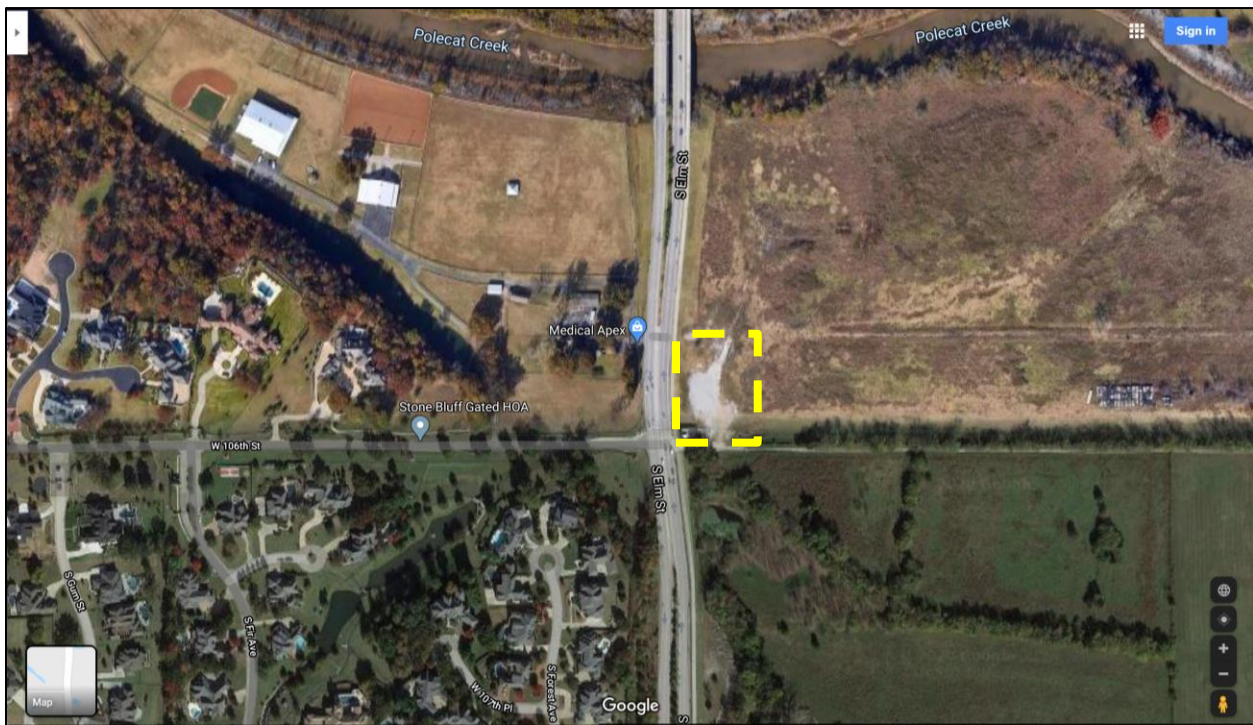


Figure 2: Aerial Map

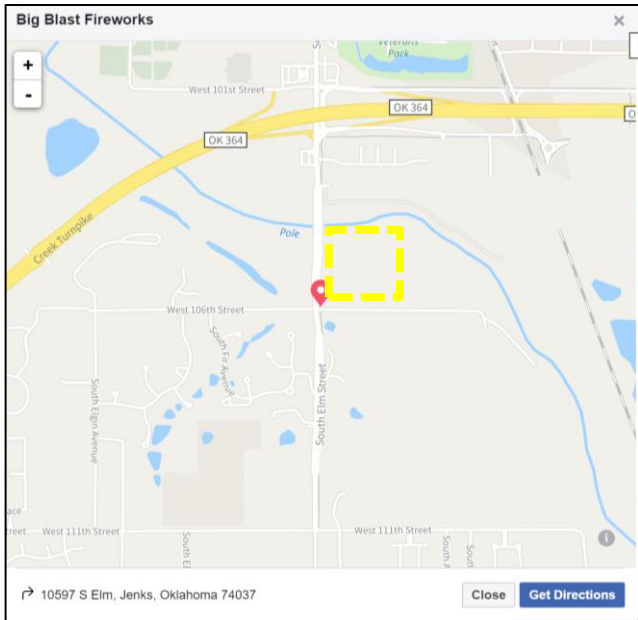


Figure 3: Google Map Location



Figure 4: View from west on 106th



Figure 5: View from Intersection looking North