

TO: Planning Commission
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: May 17, 2016
SUBJECT: Interim Use Permit – 1640 Robert St.

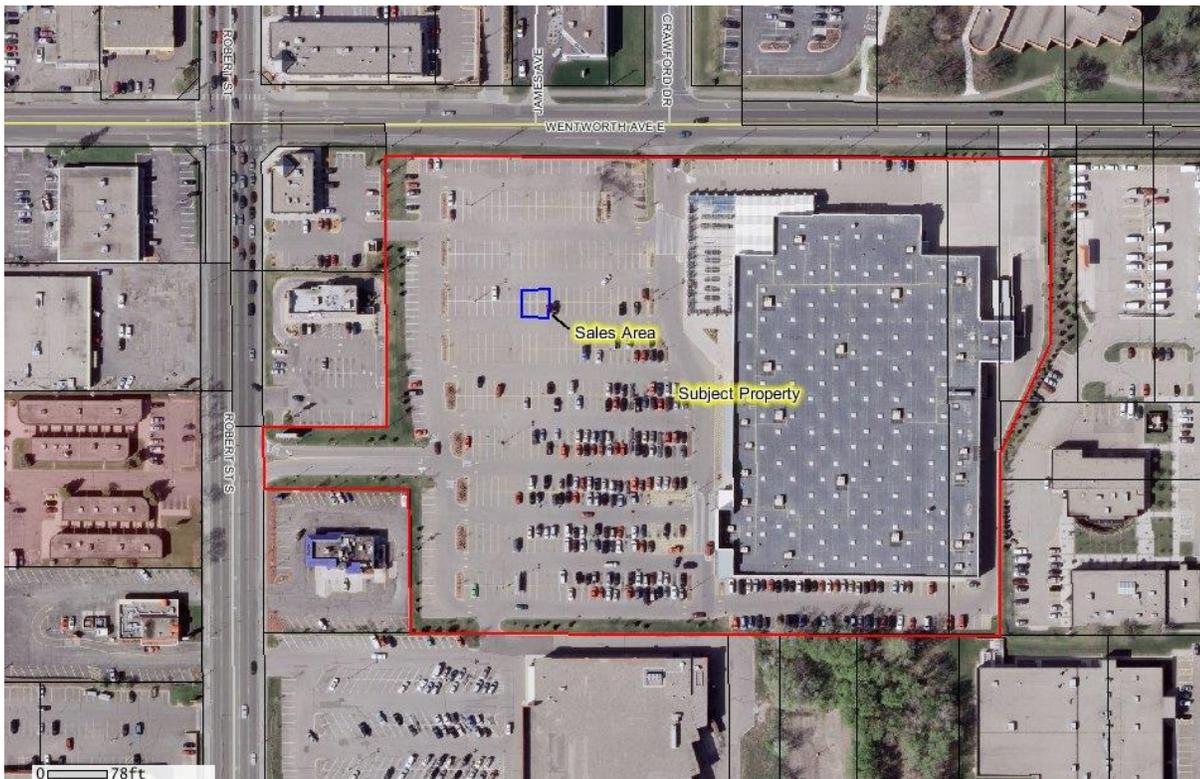


REQUEST

TNT Fireworks is requesting an Interim Use Permit to allow for the outdoor sale of fireworks in the Walmart parking lot at 1640 Robert St.

Attachments:

Application
Site Map



EXISTING LAND USES

The subject property consists of a retail building, Walmart. Adjacent properties to the west and south consist of commercial uses. Adjacent properties to the north consist of commercial uses and the County library. The adjacent property to the east consists of DARTS.

ZONING

The subject property and adjacent property to the south are zoned B-4, Shopping Center District. Adjacent properties to the west and north are zoned B-6, Town Center Mixed-use. The adjacent property to the east is zoned I-1, Light Industrial.

ANALYSIS

The B-4 Zoning District allows Interim Uses for the outdoor sale of fireworks if the following conditions are met:

- (a) The display/sales area meets National Fire Protection Association standards, as required by the Fire Marshal.
- (b) The sales area shall be Setback at least 300 feet from the Robert Street right-of-way and 150 feet back from any other street.
- (c) The sales area shall not reduce the required supply of off-street parking below the required number of spaces for the Principal Building and for the Interim Use.
- (d) Off-street parking required for the sales area shall be one space per 150 square feet of sales area.

The applicant is proposing to display and sell legal fireworks in a tent within the Walmart parking lot (see site aerial for location). The applicant applied for and received approval of an Interim Use Permit in 2012-2015. This year's request is similar to the last four years in terms of location, size of display area, etc.

The proposed tent is 20'x 40' (800 sq. ft.) which will take up roughly 12 parking stalls. Per Ordinance, an additional 6 parking stalls are required to support the sales area. The Walmart parking lot has an excess of 35 stalls above the minimum number of stalls required. Therefore, the loss of 12 stalls as a result of the tent and the need for 6 additional stalls to support the sales area is a non-issue. The applicant is requesting to operate from June 21st through July 7th, which includes setup and take down. Proposed sales hours are 10 a.m. to 10 p.m.

The proposed display/sales area meets the conditions as outlined above. Staff is recommending a condition of approval requiring the applicant to obtain a city license to sell fireworks, including an inspection of the tent by the Fire Marshal and Building Official. The proposed tent must meet National Fire Protection Association standards. In addition, Staff is recommending a condition requiring that all items displayed be secured on a nightly basis and that trash receptacles be provided.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the INTERIM USE PERMIT to allow for the OUTDOOR DISPLAY/SALE of FIREWORKS subject to the following conditions:

1. The applicant shall meet the provisions as outlined in Section 23.5 of the Zoning Code.
2. The applicant shall obtain a City License to sell fireworks. In addition, the display/sales area shall be inspected by the Fire Marshal and Building Official and meet the National Fire Protection Association standards.
3. Trash receptacles shall be provided on-site and items sold in the sales area shall be secured on a nightly basis.
4. The Interim Use Permit shall be valid from June 21, 2016 through July 7, 2016. Sale hours shall be limited to 10 a.m. to 10 p.m.