

FIREWORKS CUP- FWK21-13

TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 1730 OLD HIGHWAY 79

Application: FWK21-13
Applicant: Show Me Services, LLC
Property Owner: Charles R. Rodgers and Marsha M. Rodgers
Zoning: C2, General Commercial District
Location: On the northeast side of Old Highway 79 and Highway 79
Council District: 1
Account No.: 372900A000

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 - ◆ Opposition - Jeff Martin

STAFF RECOMMENDATION

To: County Planning & Zoning Commission

Prepared by: Ellie Marr, CFM

Application No.: FWK21-13

Date: March 8, 2021

GENERAL INFORMATION

Owner: Charles and Marsha Rodgers
Applicant: Show Me Services, LLC – Martin Fears
Requested Action: A conditional use permit (CUP) for a temporary firework stand.
Location: 1730 Old Hwy 79; On the northwest side of Old Hwy 79 and Hwy 79; adjacent to the City of O’Fallon
Size: 2.83 acres
Current Land Use: Single Family Residence

Adjacent Land Use and Zoning:

Direction	Zoning	Land Use
North	Hwy 79	Right of Way (approximately 80 feet)
South	City of O’Fallon	Single Family Residences
East	Hwy 79	Right of Way (approximately 80 feet)
West	A, Agricultural	Single Family Residence

Zoning History: This property was zoned A, Agricultural District in 1959 with the inception of County zoning. In 2003, the property was rezoned from A to C2, General Commercial. A conditional use permit was also issued in 2003 for the existing, single family residence.

SPECIAL INFORMATION

Public Services: County Council District 1 – Joe Cronin
School District – R2, Fort Zumwalt School District
Fire District – O’Fallon Fire Protection District

Utilities: Water – O’Fallon service area
Sewer – O’Fallon service area

ANALYSIS

This is a new location for a temporary fireworks stand this year. There is one 2,700 square foot tent proposed for this location. The tent will be located on the southeast side of the parcel with a

portable toilet and dumpster also proposed. The applicant will be required to adhere to all required fire safety and explosives safety measures. The applicant proposes to use the existing entrance on the southern side of the parcel across from Homefield Ridge Drive and will construct a temporary gravel parking area.

A special use permit must be obtained from the County Highway Department for access during the firework sales period at 1730 Old Hwy 79. The permitted entrance will be allowed for access to the temporary parking lot for as long as the firework selling season lasts. After that, the Highway Department will require that the driveway access and gravel placed in the right of way be removed unless the access is to be improved to commercial status for ongoing or proposed future events.

Due to the temporary nature of this use, there will be minimal impact on the adjacent residential properties to the north, west, and south of this parcel. The nearest home is approximately 160 feet south of the proposed tent location with an elevation increase of approximately 20 feet. The setback requirement of 20 feet from any property line will be met along with all requirements outlined in the 2021 St. Charles County Fireworks Regulations.

RECOMMENDATION

The Planning and Zoning Division recommends that the Conditional Use Permit for a temporary fireworks stand be approved subject to the following conditions:

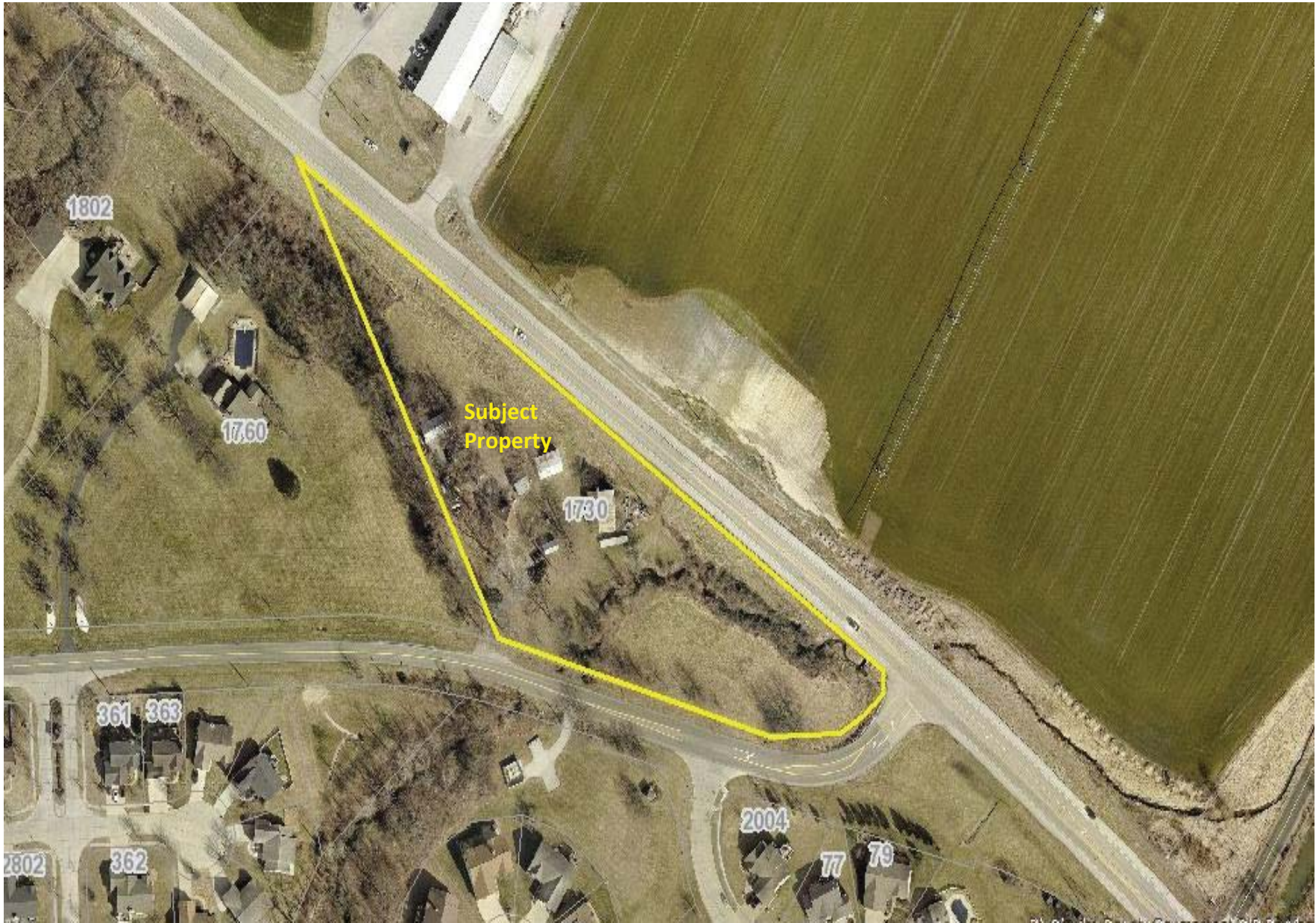
- 1. This temporary conditional use shall comply with all 2021 Fireworks Stand Regulations as adopted by the County Planning and Zoning Commission on March 17, 2021.**
- 2. The Applicant Owner and/or Operator of the firework stand authorized under the CUP (Owner/Operator) is responsible for ensuring that their staff and customers are abiding by the Public Health Orders of the County and State that are currently in place, and as they may be in the future amended, revised, or supplemented for the duration of the CUP. Any violations of those orders are unlawful and could result in prosecution through the County Municipal Court. The most up to date and latest County policies are available on the St. Charles County website at sccmo.org/COVID. The County website has detailed information, including recommended strategies on how to protect the Owner/Operator staff and customers from the spread of the disease and further guidance on what burdens are placed upon the Owner/Operator during the COVID-19 pandemic.**



1730 Old Hwy 79 (proposed tent location)



Looking south from 1730 Old Hwy 79 towards Homefield Ridge Drive



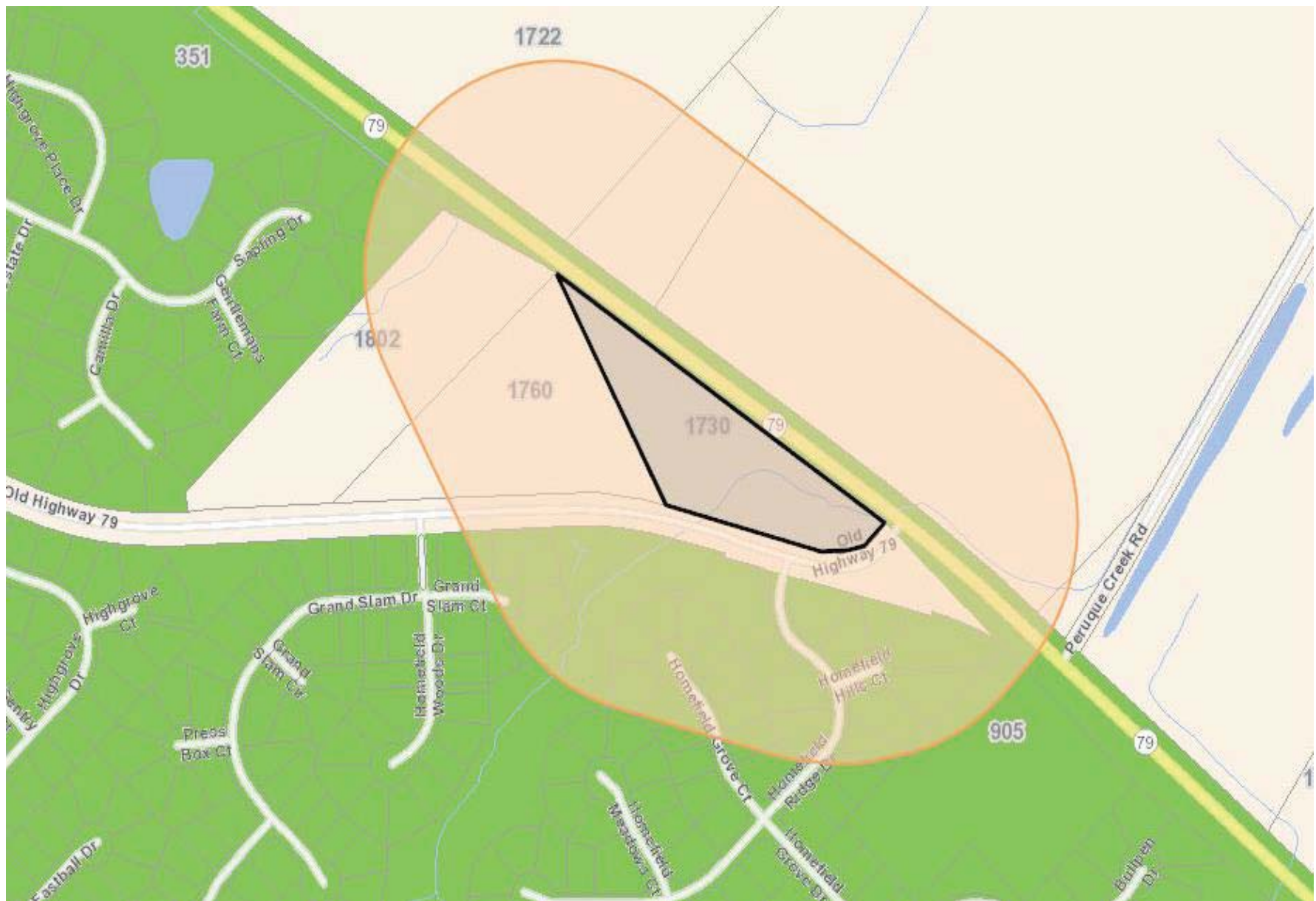
FWK21-13 - Aerial



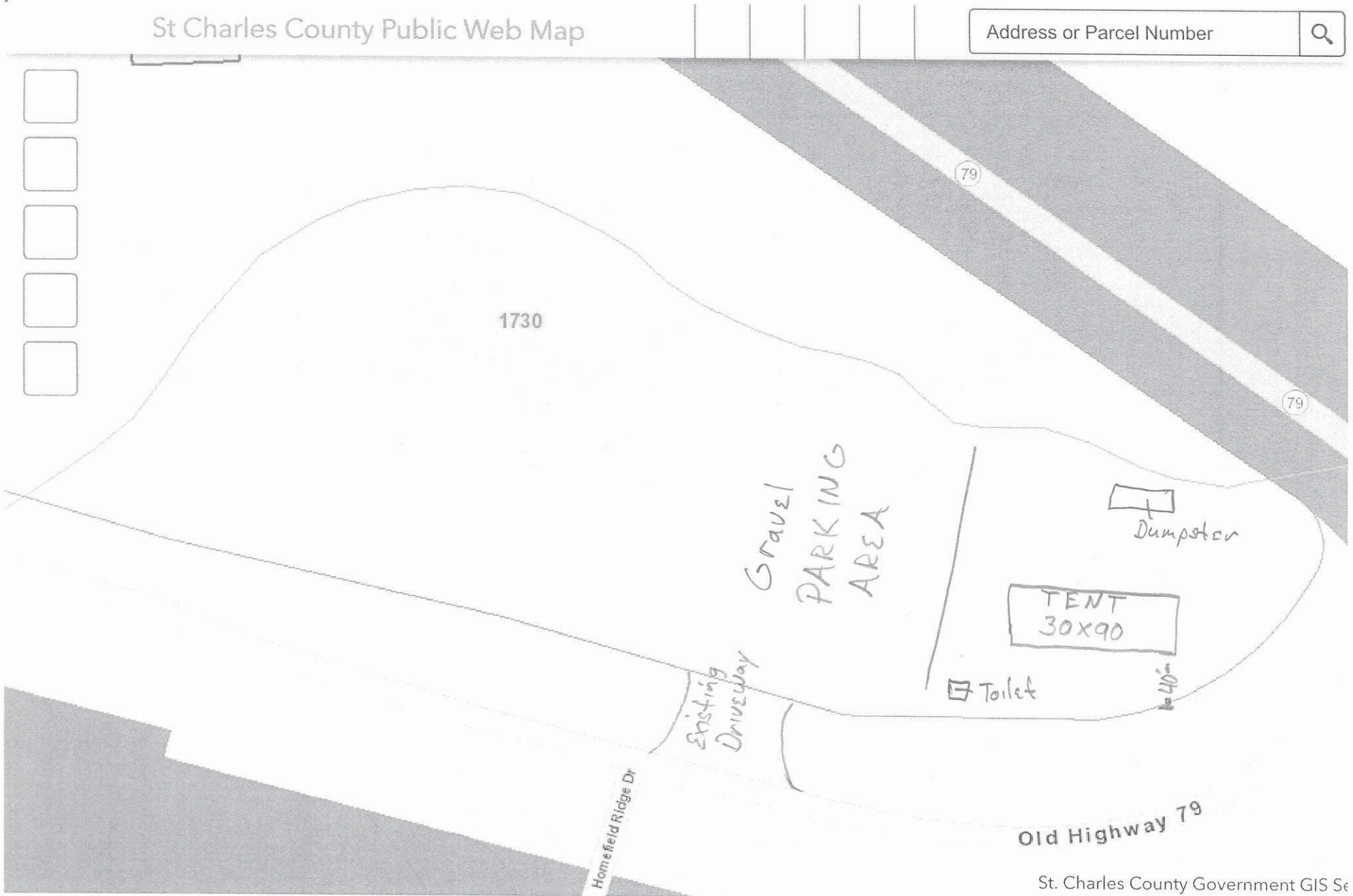
FWK21-13 - Zoning



FWK21-13 - 2030 Land Use Map



FWK21-13 - Notification Area Map



County Planning & Zoning Division
201N Second Street
Suite 410
St Charles, MO. 63301
March 7, 2021

Jeff Martin
2012 Homefield Ridge Dr.
OFallon, MO. 63366

Subject: Temporary Fireworks Stand Conditional Use Permit - Application # FWK21-13

We do **not approve** of this permit. Please find listed below our concerns:

- 1) If there is an accidental explosion, what is the blast zone radius? How much damage would be done to the homes and/or cars parked along Homefield Ridge Dr. and along Old Highway 79? Would our homeowners insurance have to pay for any damages, or does the owner of the fireworks stand have insurance to cover our losses?
- 2) The intersection of Highway 79 and Old Highway 79 is very busy with cars and trucks. The speed limit through that area is 60 mph and there is only a stop sign at the intersection. There have been many accidents throughout the years and if this fireworks stand is approved, the accidents will only increase.
- 3) As stated above, Highway 79 has a speed limit of 60 mph, it has no right turn lane onto Old Highway 79. It does have a left turn lane for cars entering Old Highway 79. Old Highway 79 is a 2 lane road 35 mph road with no shoulder area for cars to pull off lane, no sidewalk, and no bike lane. Does this sound like an area where a fireworks stand could be easily accessible? Or does this sound like an area where accidents will increase?
- 4) The property entrance into Homefield Terrace is off of Old Highway 79 and is located on a blind curve. This stand is going to increase road traffic substantially in this area. Will there be a bigger police presence to handle any difficulties that will arise?
- 5) Where is the entrance for the fireworks stand? Is it on the small corner of property that the stand is located on, or will Homefield Terrace subdivision be used as the parking area? There are several small children who play and ride bikes in the homes at the beginning of Homefield Terrace, how will this stand affect their safety?
- 6) We will send a copy of the Use Permit Request and along with our concerns to our homeowners insurance as a record of this communication. If there is an increase in our premium due to this fireworks stand, who covers this increase? If it is the homeowners, is that really fair since we do not want this stand.

Please let me know if you have any questions about our concerns. We look forward to your quick response to our concerns and questions. See an overhead image of the property below.

County Planning & Zoning Division
March 9, 2021
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Sincerely,

Jeff
2012 Homefield Ridge Dr
Concerned Homeowner

