TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: David M. Abramson, Planner I

SUBJECT: TU 11-3-04, E.A.S.E., 15835 Rick Case Honda Way, Davie, FL 33331

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: Temporary Use Permit for Christmas tree sale

REPORT IN BRIEF: The applicant (E.A.S.E. Foundation) is requesting approval of a temporary use permit for a Christmas tree sale. The Christmas tree sales tent is going to be located in the southern portion of Home Depot's parking lot. Home Depot has also provided E.A.S.E. permission to use the store's restroom facilities. The applicant has received approval from Home Depot to erect the tent and sell the Christmas trees in the parking lot. The Town of Davie Land Development Code Section 17-8, Seasonal sales, defines the permitted period and the necessary facilities provided on site. The Development Review Committee reviewed a satisfactory site plan, which accurately depicted all details of the request.

DURATION OF EVENT: The duration and hours of the request is November 26, 2004 to December 20, 2004, Mon.-Thur. 8 a.m. – 8 p.m., Fri.-Sat. 8 a.m. - 9 p.m., and Sun. 9 a.m. – 7 p.m.

Section 12-319 of the Land Development Code requires that three (3) criteria be met for temporary use permits:

(1) Any nuisance or hazardous features involved is suitably separated from adjacent uses;
(2) Excessive Vehicular traffic will not be generated on minor residential streets; and,
(3) A vehicular parking problem will not be created.

Staff finds that the Christmas tree sale will be suitably separated from adjacent uses, there will be no traffic generated on minor residential streets, and a vehicle parking problem is not anticipated. In addition the following conditions apply:

(1) **Any temporary use authorized by Town Council shall be approved and accepted as to all terms and conditions by the applicant in writing within ten (10) days of the date such temporary use is authorized.** The applicant shall file such authorization with the Development Services Department.
(2) A building permit must be secured prior to the event.
(3) The permit shall be valid only for the time specific from November 26, 2004 to December 20, 2004, Mon.-Thur. 8 a.m. – 8 p.m., Fri.-Sat. 8 a.m. - 9 p.m., and Sun. 9 a.m. – 7 p.m.
(4) All concerns and comments as identified by reviewing agencies on the building permit must be addressed prior to the issuance of a Building permit.
(5) Provide proper traffic control devices, such as barricades or cones, around the tents.

(6) Compliance with the "Conditions for the Sale of Natural Trees" as provided by the Town of Davie Fire Marshall.

PREVIOUS ACTIONS: None

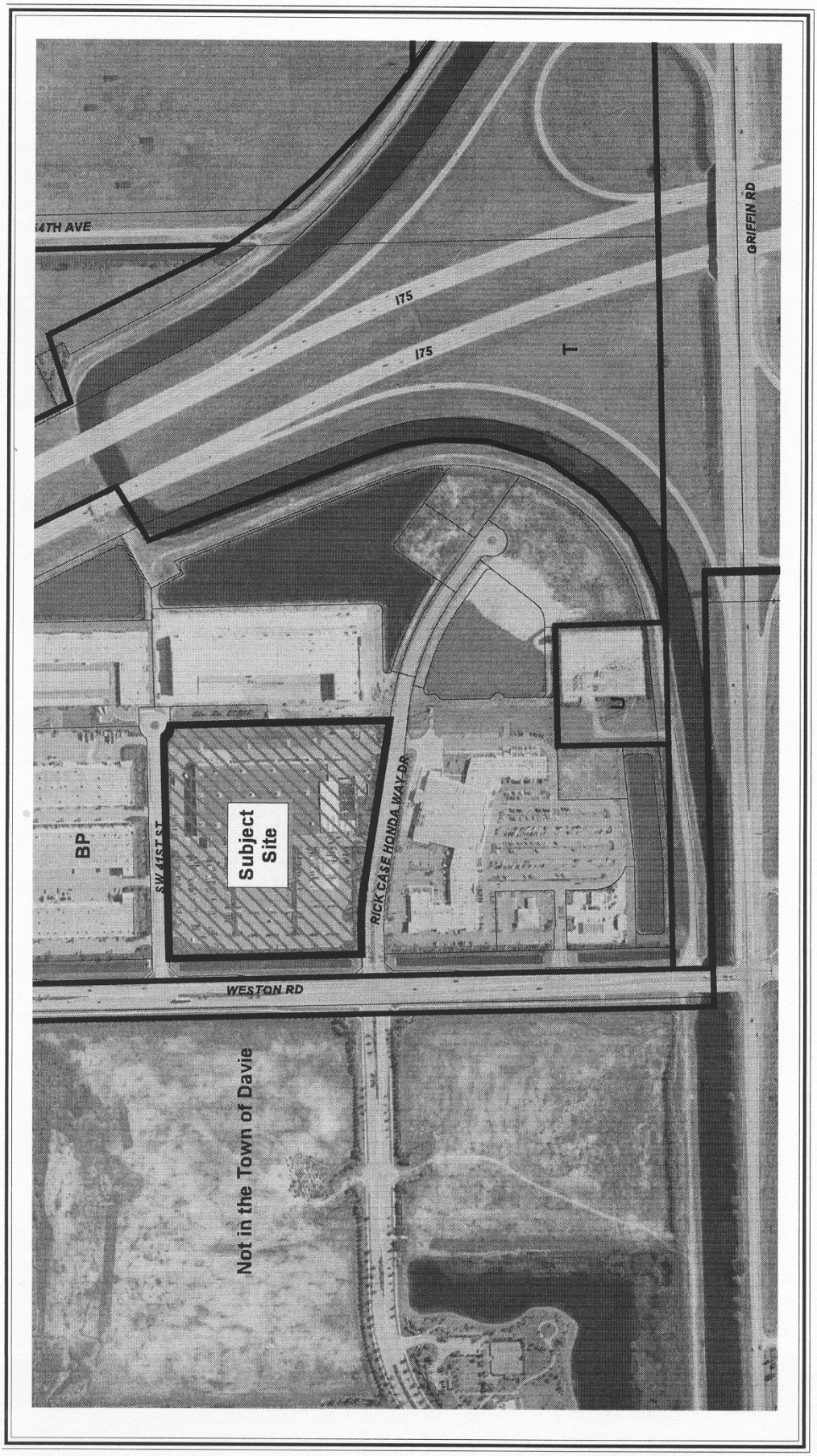
CONCURRENCES: The Development Review Committee members have reviewed the application and have no objections to the request.

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Subject site map, Site plan, Conditions for the Sale of Natural Trees from the Fire Marshall

"Attachment 1"



Temporary Use Permit
TU 11-3-04, E.A.S.E.
Subject Site, Zoning and Aerial Map

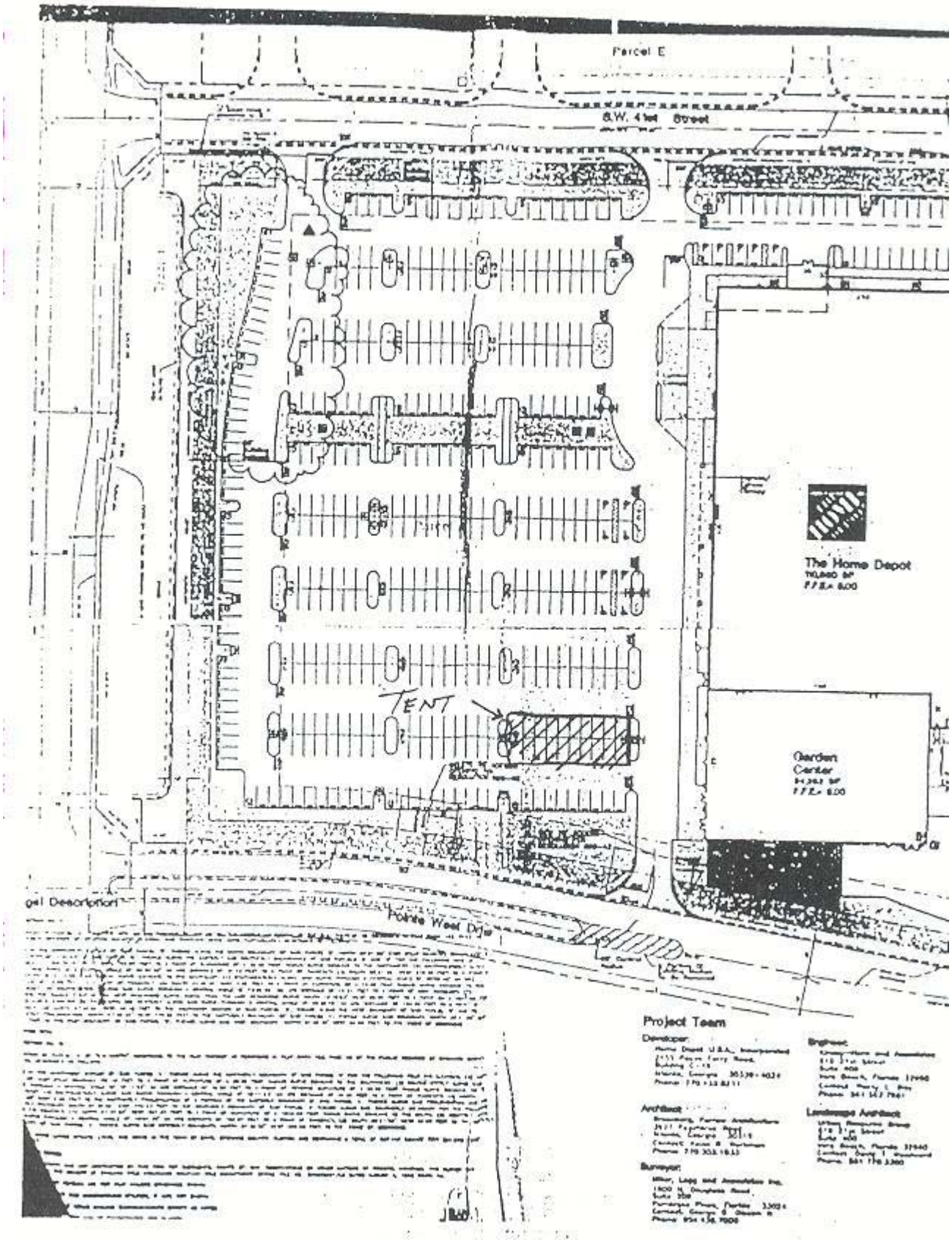
Prepared By: D.M.A.
Date Prepared: 11-3-04

N

400 0 400 800 1200 Feet

Planning & Zoning Division - GIS

"Attachment 2"



"Attachment 3"

Town of Davie Fire Rescue
Office of Fire Marshal

Conditions for the Sale of Natural Trees or other Commodities

Canopies/Tents

(1) Canopies may not be used for general storage of any items not associated with the sale of trees. Canopies may not be used for sleeping purposes.

(2) (a) All fabrics, curtains, cloth, rope, netting and decorative material used for, or in, or on, a canopy shall be rendered flameproof.
(b) Canopies required to be of flameproof material which shall be inspected by the Fire Official. Flame proofing certificate to be attached to Application for Building Permit.

(3) (a) All canopies at grade shall be erected to withstand a minimum wind pressure or suction of ten pounds per square foot.
(b) All lighting shall be by electricity no flame lighting allow.
(c) Exits shall be spaced no more than 75 feet apart.
(d) Aisles shall not be less than 44 inches in width, provided such aisles shall not be less in width than the combined width of aisles they connect.
(e) Canopies shall not be less than 30 feet from side or rear property lines, and 30 feet or more from other buildings on the same property.
(f) "NO SMOKING" Signs shall be placed at the entrance and throughout the interior
(g) Illuminated "EXIT" Signs shall be placed above each exit.
(h) An Extinguishments Container (Five Gallon container filled half way with sand) shall be used to extinguish tobacco products prior to entering. Said containers shall be placed at each entrance.
(i) Emergency lighting shall installed 84" to 96" above finished floor/grade

Fire Extinguishers

(1) One 2A10BC is required for each 2,500 square feet of floor area, but not Less than one to each path of egress or within a travel distance of not exceeding 50 feet.
(a) The installation, maintenance and use of portable fire extinguishers shall comply with the Standard for Installation, Maintenance and Use of Portable Fire Extinguishers, NFPA 10, as set forth in Section 402.

Miscelleous

(1) Ground Fault Indicators (GF) shall be installed with any and all electrical applications. (Lights, Cash Registers, etc.)

(2) There shall be NO PARKING in designated fire lanes to load trees.

"HAVE A FIRE SAFE HOLIDAY"

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