

**Special Event Permit
With Request for Use of Right-of-Way & Public Property
June 3, 2008
Regular Agenda**

SE-05-19-08: A request for a **Special Event Permit** on private property located at the southeast and south of the intersection of 9th & New Hampshire Streets with an associated request that the City Commission grant the a **Use of Right-of-Way Permit** for New Hampshire Street between 9th & 10th Streets and for a portion of public property including and north of the parking garage for a Lawrence Live kickoff event for the Kansas 70-3 Ironman Expo and Rock Chalk Run from June 12-14, 2008. Submitted by Bob Sanner of Lawrence Convention & Visitors Bureau for Martin W. Moore of 9-10, LC, and the City of Lawrence property owners of record.

GENERAL INFORMATION

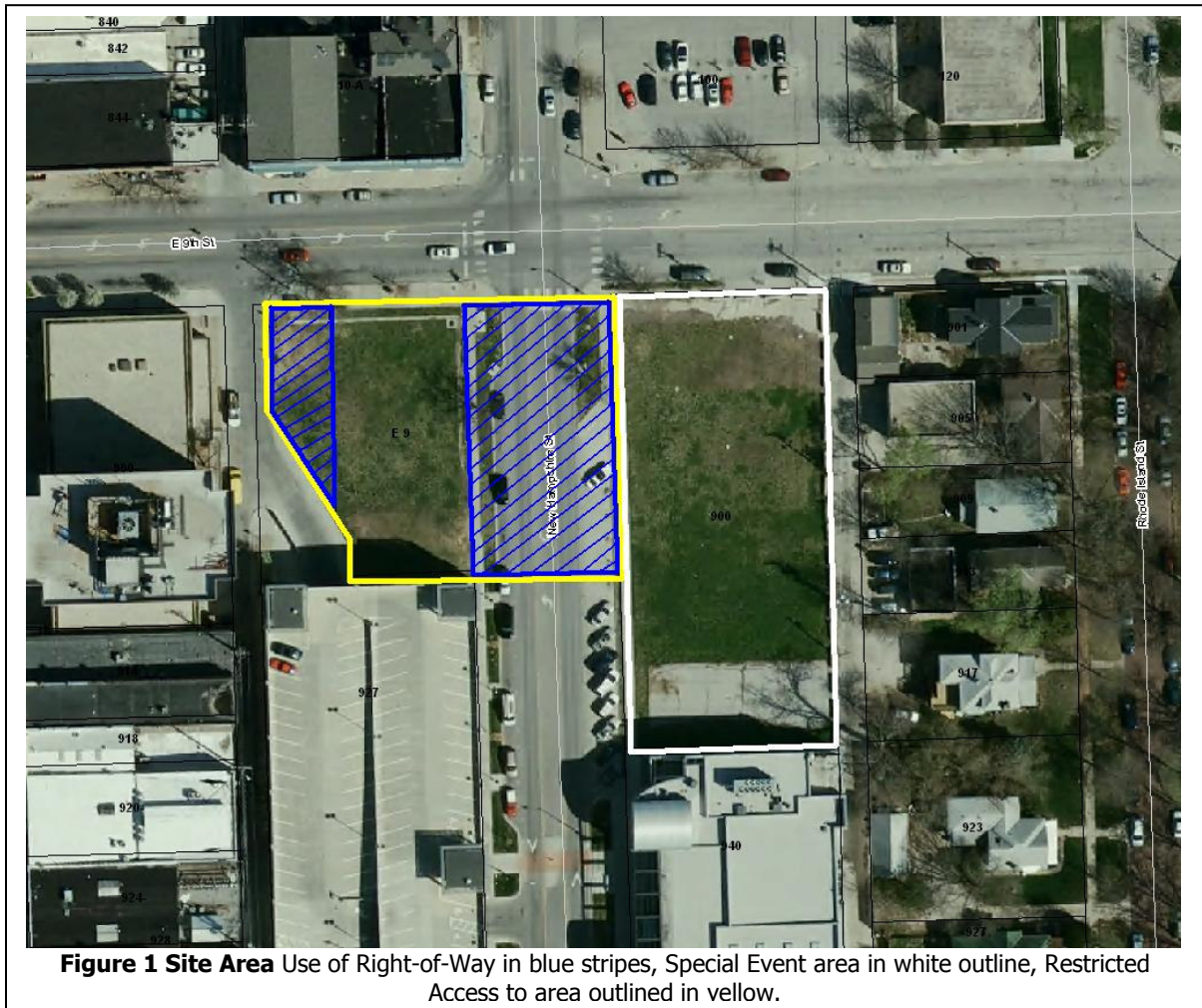
Current Zoning and Land Use	CD (Downtown Commercial) District; undeveloped land.
Surrounding Zoning and Land Use	CD (Downtown Commercial) District to the north; a mix of office, restaurant and retail with a surface parking lot to the northeast. GPI (General Public & Institutional Use) District to the south; downtown parking garage with offices, Lawrence Arts Center and mix of services, offices and restaurant uses. CS (Commercial Strip) District and RM12 (Multi-Dwelling Residential) District to the east; a mix of residential, office, service and retail uses.

STAFF REVIEW

This is a request for a Special Event Permit and Use of Right-of-Way Permit with associated use of public property for three associated events known as Lawrence Live, Ironman Expo and Rock Chalk Run. The proposed Lawrence Live and Ironman Expo events will serve as a kick-off to the Kansas 70-3 Ironman event and as a staging area for the Rock Chalk Run. The site area for Lawrence Live and Ironman Expo is proposed to be located at the southwest corner of 9th & New Hampshire Streets including New Hampshire Street right-of-way, as shown in Figure 1. The events will feature live entertainment, vendors and beer sales (beginning at 5pm on Friday the 13th) and the site will serve as the staging area and end point of the Rock Chalk Run. The area will be restricted access as shown in the figure provided by the applicant and in Figure 1. A portion of the site area is located on private property while the remainder is located on public right-of-way, as shown below in Figure 1. As such, the applicant requests the City Commission grant a Special Event Permit and a Use of Right-of-Way Permit. Outdoor events on private property, including live entertainment are classified as Type 5 Special Events, which require City Commission approval.

The proposed events will take place on Friday June 13 from noon until midnight and Saturday June 14, 2008 from 6am until 1pm. Site preparation may begin on Thursday June 12 on the private property at the southeast corner of 9th & New Hampshire. Therefore, the Special Event Permit request should be effective from June 12 to June 14 whereas the Use of Right-of-Way Permit request should be effective for only June 13 and 14.

The applicant is requesting an exclusive use of public right-of-way which is distinguished from a general use of right-of-way in that exclusive controls public access upon the right-of-way. The event is free and open to the public however alcoholic beverages will be permitted only within the controlled access area. Vehicular access to New Hampshire Street within the fenced area will be restricted on June 13 and 14.



The site area will feature vendor booths, restroom facilities, a stage for live entertainment as well as staging for other equipment. The noise generated by the proposed event, such as sound checks, may impact surrounding properties. The applicant will address this concern by placing the concert stage at the northern end of New Hampshire Street, and angled to the southwest in order to direct noise away from residential uses to the east. The layout of the

site is shown in Figure 2 below.

The sale of alcohol within 400 feet of a school or church is prohibited by City Code unless granted a distance waiver by the City Commission. The concert site area is within 400 feet of such a use, therefore the applicant must seek a distance waiver in order to proceed with alcohol sales. Such waivers require a public hearing and a 30 day notice. The distance waiver request is scheduled for the June 3, 2008 City Commission agenda. The distance waiver request must be approved in order to sell alcohol at the event. Furthermore, the applicant must also obtain a temporary permit from the City Clerk's Office for the temporary sale of alcohol. The permit shall be compliant with any applicable state laws.

The site is within the Downtown Urban Conservation Overlay and within the environs of the North Rhode Island Street Historic District and the Downtown Historic District as well as other listed properties. As such, the Historic Resources Administrator has reviewed this request and approves it on the condition that the site is returned to its original condition following the conclusion of the event.

Any tents must be flame retardant, a fire extinguisher must be provided and "No Smoking" signs must be posted. If the tent has walls, rather than just a canopy, 2 exits with exit signs and emergency lighting must be provided.

Additionally, any signs displayed in conjunction with the event shall comply with the City sign regulations and shall not be located on public right-of-way. A temporary sign permit must be obtained from Development Services if temporary signage is planned.

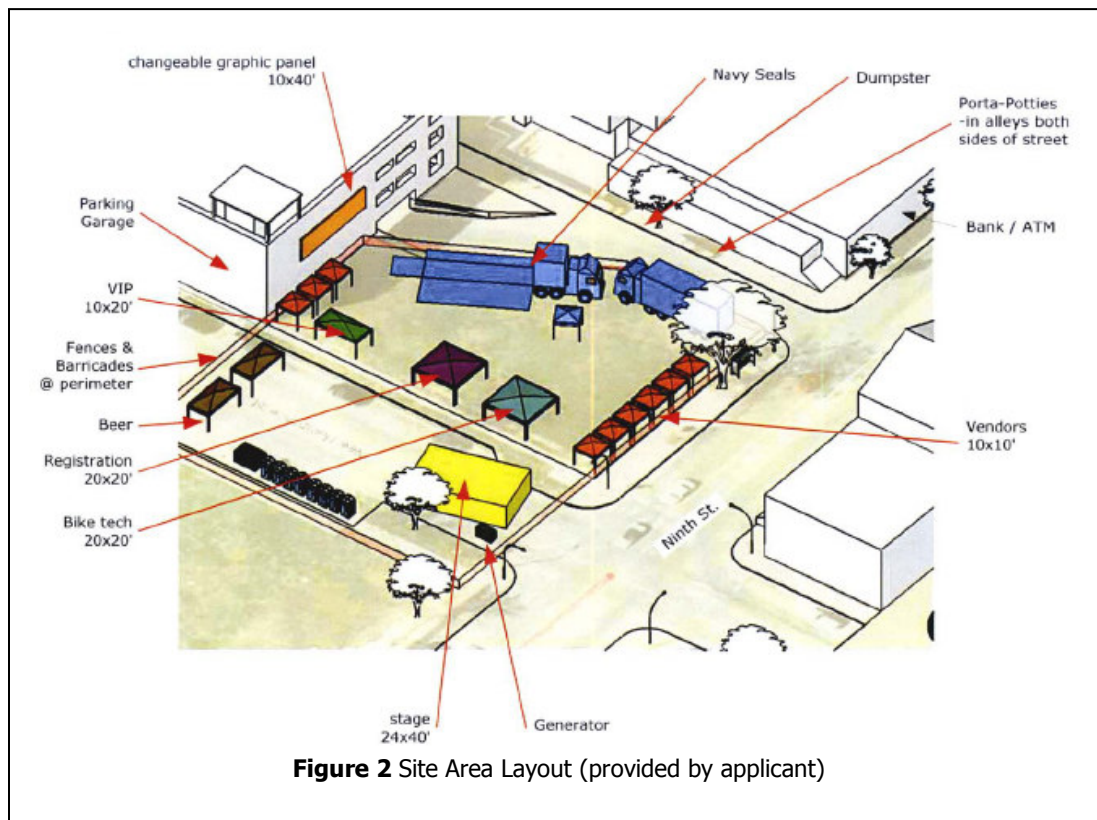


Figure 2 Site Area Layout (provided by applicant)

Recommendation: Staff recommends approval of the Special Event Permit, Use of Right-of-Way Permit and use of public property for Lawrence Live and Ironman Expo on June 12-14, 2008 subject to the following conditions:

1. The site be returned to its original condition upon conclusion of the event.
2. All vehicular access to the parking garage shall remain open at all times.
3. The sidewalks along New Hampshire Street shall remain open during set up and staging of the event until fence is assembled for access control.
4. The sidewalk along 9th Street shall remain open at all times.
5. The applicant shall request and receive a distance waiver from the City Commission permitting the sale of alcohol within 400 feet of a church or school.
6. The applicant must obtain a permit for the temporary sale of alcohol from the City Clerk's Office.
7. Live entertainment shall conclude no later than 10:30 pm on Friday June 13, 2008.
8. The Special Event Permit shall be valid from 6:00 am on Thursday June 12, 2008 until 1:00 pm on Saturday June 14 2008.
9. Sign permits shall be obtained from the offices of Development Services if temporary signs are used.
10. If signs are displayed in conjunction with this use they shall comply with City sign regulations and shall not be located on public right of way. Signs for this activity can only be displayed during hours of operation.
11. Any tent used shall be certified flame retardant.
12. A 2A1OBC portable fire extinguisher shall be provided.
13. "No Smoking" signs shall be posted and enforced in tents.