

**Special Event Permit
March 2, 2010
City Commission**

SE-1-1-10: Special Event Permits requested for seasonal garden sales at 845 Iowa Street from June 3 through July 1, 2010. Submitted by Kaw Valley Greenhouses, Inc. for Sadies Commercial LC, property owner of record.

GENERAL INFORMATION

Current Zoning and Land Use	CS (Commercial Strip) District; vacant service station.
Surrounding Zoning and Land Use	CS (Commercial Strip) District to the north, west, and east; vacant nightclub to the north, restaurant to the west and small retail and office uses to the east of Iowa Street. CN2 (Neighborhood Commercial) District to the south; grocery store to the south of W 9 th Street.

STAFF REVIEW

Six Special Event Permits have been requested to allow a seasonal garden sale to occur in the parking lot at 845 Iowa Street from March 28 through July 1, 2010. Per Article 15 of Chapter 6 of the City Code, a Special Event Permit is valid for 14 continuous days. Four Special Event Permits may be approved administratively for a site per year provided the criteria listed in Article 15 are met; any additional permits for a site require approval by the City Commission. Four permits have been administratively approved; therefore two permits for the additional 28 days requested (June 3 through July 1) have been referred to the City Commission for consideration.

This event meets the definition of a Type 3 event as defined in the City Code since it contains outdoor commercial activities intended to sell, lease, rent or promote specific merchandise or services.

An approved site plan for 845 Iowa [SP-05-40-06] shows that parking in excess of that required for the service station is provided on the site; however, the service station is currently vacant and does not utilize any of the provided parking. The applicant proposes to barricade the access points onto Iowa Street and W 9th Street and utilize the access easement located along the west property line. (Figure 1) Parking will be provided along the access easement and will be located into the site far enough so that vehicles are not required to back into the access aisle when leaving. The City Traffic Engineer indicated that the southernmost parking space would result in conflicts with entering traffic and recommended that parking not be permitted in this area.

The event is proposed to occur 7 days a week from 8 am to 9 pm, which is similar to the operating hours of the surrounding properties. The event will utilize the building for additional display area, restroom and checkout area and will have an exterior display of plants and gardening items located throughout the property. The event area will be

barricaded from the parking area with fencing which will also separate the event area from the right-of-way and adjacent properties. The fencing will be a mixture of cinder blocks and landscape timbers as illustrated in Figure 2. It will be necessary for the applicant to contact Development Services and meet any requirements for a Certificate of Occupancy permit in order to utilize the building.

Per Section 6-1501.6(A)(2) no structures or display areas be located any closer than 25 ft to the public right-of-ways adjacent to the property. The plan has been adjusted to show that the display area will be 25 ft from the right-of-way. Figure 3 shows the original plan with the display area located closer than 25 ft from the right-of-way. Given that the access points onto this property are being blocked with this event and access is being provided from a cross-access easement on W 9th Street the 25 ft separation may not be necessary to maintain the safety of customers on the site. In addition, the right-of-way line is located 15 ft from the Iowa Street curblin and 10 ft from the W 9th Street curblin. With the amount of separation shown on the original plan (Figure 3) the display area is located approximately 20 ft from the Iowa Street curblin and approximately 15 ft from the W 9th Street curblin. Staff recommends the approval of the lesser setback as the fencing and barricades will protect the customers on site from the traffic on adjacent streets.

The applicant has been informed that applications for a temporary sign permit and a Transient Merchant License must be submitted to Development Services and the City Clerk's Office, respectively.

Adequate parking is being provided and the proposed hours of operation are similar to the operating hours of adjacent properties. The event should not create any negative impacts to surrounding properties.

Recommendation: Planning Staff recommends approval of two Special Event Permits for a seasonal garden at 845 Iowa from 8 am to 9 pm from June 3 through July 1, 2010 with the setbacks as shown in Figure 3 subject to the following conditions:

- a. The plans, including the plans associated with the administratively approved permits, shall be revised with the setbacks shown on the original submitted plan. (Figure 3)
- b. The plans shall be revised to indicate the ADA space, access aisle striping, and signage, remove parking from the southernmost parking space and show the location of the trash receptacles being provided.
- c. The applicant shall contact Development Services and obtain a Certificate of Occupancy permit prior to start of operation and use of the building.
- d. Special Event Permit must be displayed on site during hours of operation.
- e. Temporary sign permit must be obtained from Development Services if temporary signage is to be used.
- f. If event is held on property the event operator does not own, a transient merchant license must be obtained from the City Clerk's office. (785-832-3308)
- g. Fencing consisting of cinder block and landscaping timbers shall be used to separate the parking along the west property line from the display area and to barricade the access on Iowa and W 9th Streets. There shall be no traffic within the display area during event hours.

- h. Any structures must be removed within 24 hours after the cessation of the event.
- i. Cars, trucks, vans, trailers may not be used for sale of merchandise.
- j. Vehicles used for storage of merchandise for event may only be on site during the approved hours of operation.
- k. Trash receptacles shall be provided on site.



Figure 1. Aerial of subject property (1) and access easement (2).



Figure 2. Fence design illustration. Applicant proposes additional timbers.



