

**Staff Report for Special Event Permit  
February 22, 2011  
City Commission**

**SE-1-2-11: Special Event Permits** requested for seasonal garden sales at 2300 Louisiana Street from May 27<sup>th</sup> through June 30<sup>th</sup>, 2011. (Four administrative permits have been approved for this property for April 1<sup>st</sup> through May 26<sup>th</sup>.) Submitted by Kaw Valley Greenhouses, Inc. for 2300 Louisiana Co, LLC, property owner of record.

**GENERAL INFORMATION**

Current Zoning and Land Use	CS (Commercial Strip) District; grocery store, <i>food and beverage sales</i>
Surrounding Zoning and Land Use	CS (Commercial Strip) District to the west, gas station/convenience store, <i>gas and fuel sales and personal convenience</i>  CN2 (Neighborhood Commercial) District to the east; auto part sales, <i>general retail</i>  PCD (Planned Commercial Development) District to the north; drugstore, <i>general retail</i>  RS7 (Single-Dwelling Residential) District to the south; single family homes, <i>detached dwellings</i> .

**STAFF REVIEW**

Special Event Permits have been requested to allow a seasonal sale of spring bedding plants and garden accessories to occur in the parking lot at 2300 Louisiana Street from April 1 through June 30, 2011. 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 for April 1<sup>st</sup> through May 26<sup>th</sup>; therefore, three permits for the additional 34 days requested (May 27 through June 30) have been referred to the City Commission for consideration. The conditions recommended for these remaining event permits are the same as those for the 4 administratively approved permits.

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 2300 Louisiana [SP-10-73-99] shows that parking in excess of that required for the grocery store is provided on the site. Per the site plan, 298 parking spaces are shown. Per Section 20-902 of the Development Code a *food and beverage* use requires 1 parking space per 300 gross sq ft. The most recent approved site plan for the subject property shows the gross area of the grocery store as 53,668 sq ft. 179 parking spaces are required by Code. The 2009 City aerial photograph indicates that approximately 10 spaces along the north property line are being utilized for various drop-off/collection boxes (Figure 1). The special event plan shows 48 parking spaces being utilized for the event area. The site contains adequate parking spaces for

the special event, grocery store use, and drop-off/collection boxes ( $48 + 179 + 10 = 237$  parking spaces), with excess parking remaining (298 shown on the plan – 237 utilized = 61 excess parking spaces.) The applicant estimates 50 to 60 customers per day. The amount of parking available on-site is adequate to accommodate these uses.

ADA accessible parking is available to the Checkers patrons, but these parking spaces are not near the special event area. 2 ADA parking spaces, with one being van accessible should be provided next to the Special Event Area along the Louisiana Street frontage. The 8 ft wide van accessible space should be located between the 2 parking spaces. The parking spaces would need to be signed with appropriate ADA signage and the van accessible space in between would need to be striped.

The applicant proposes to mark the perimeter of the sales area with fencing that is a mixture of cinder blocks and landscape timbers as illustrated in Figure 2. Per Section 6-1501.6(A)(2), no structures or display areas be located closer than 25 ft to the public right-of-ways adjacent to the property. The fencing will separate the event area from the parking area and will maintain the required 25 ft separation between the event area and the street right-of-way.

The event is proposed to occur 7 days a week from 8 am to 8 pm, which is similar to the operating hours of the surrounding properties. Items will be displayed within a Quonset style greenhouse, a canopy tent and throughout the sales area within the perimeter fencing. The tent and Quonset greenhouse must comply with the International Fire Code. Prior to the release of the Special Event Permit, the applicant shall obtain the Fire Code Official's approval of the proposed structures or shall remove them from the plan.

The applicant has applied for a temporary sign permit to Development Services. As the applicant has provided a State of Kansas Sales Tax ID Number, a transient merchant license is not necessary.

Adequate parking is being provided and the proposed hours of operation are similar to the operating hours of adjacent properties. The applicant utilized the northwest corner of the intersection of 9<sup>th</sup> and Iowa for a similar sales event last year without incident. The event should not create any negative impacts to surrounding properties.

**Recommendation:** Planning Staff recommends approval of three Special Event Permits for seasonal garden sales at 2300 Louisiana Street from 8 am to 8 pm from May 27<sup>th</sup> through June 30<sup>th</sup> subject to the following conditions:

1. The plans shall be revised with the following changes:
  - a. Two ADA spaces, with a van accessible space between them, shown adjacent to the event area along the Louisiana Street frontage with a note which states *"The ADA accessible parking spaces shall be signed with ADA approved signage and the ADA van accessible space shall be striped."*
  - b. The location of the trash receptacles shall be shown.
2. The Special Event Permit must be displayed on site during hours of operation.
3. A temporary sign permit must be obtained from Development Services for any signage.
4. Fencing consisting of cinder block and landscaping timbers shall be used to separate the event area from the parking area and to maintain the required 25 ft separation between the

event area and the 23<sup>rd</sup> Street and Louisiana Street rights-of-way, in the location shown on the site plan.

5. Any structures must be removed within 24 hours after the cessation of the event.
6. Cars, trucks, vans, trailers may not be used for sale of merchandise.
7. Vehicles used for storage of merchandise for event may only be on site during the approved hours of operation.
8. A 25' wide traffic aisle width shall be maintained during sale. No items shall be displayed within the traffic aisle.
9. Display area, tent or structure may not be within 25' of public right-of-way.
10. The tent or other membrane structure must meet the International Fire Code and be approved by the Fire Code Official, before the Special Event Permit will be issued to the applicant. Any conditions required by the Fire Code Official shall be added to the Special Event Permit.

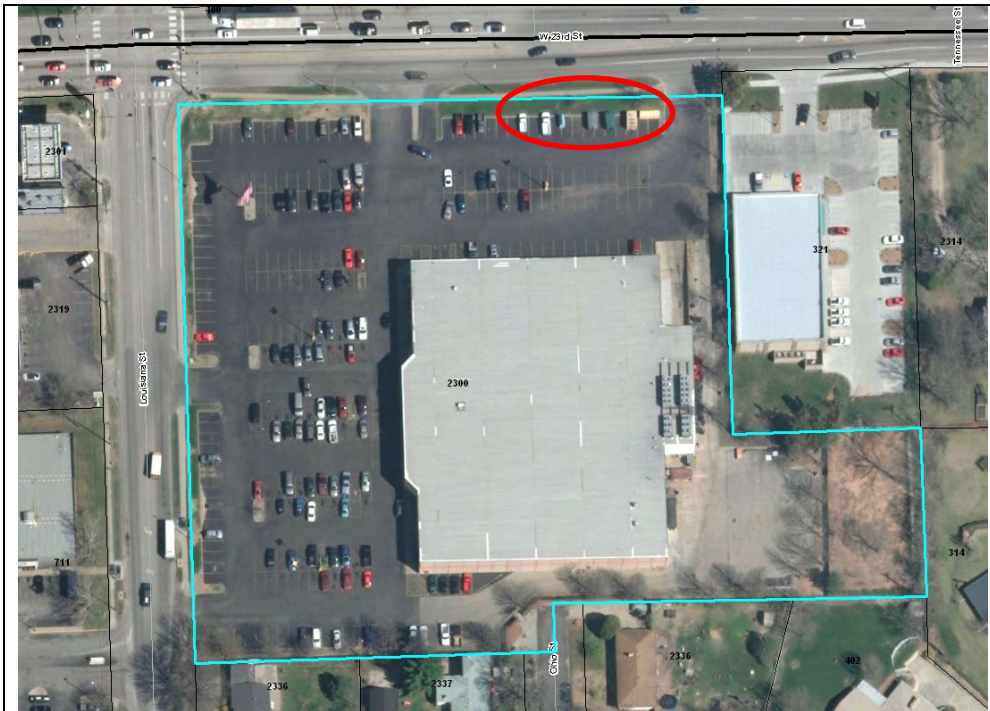
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11. Smoking is not permitted in tents or membrane structures. 'No Smoking' signs shall be conspicuously posted and enforced.
12. Open flame or devices emitting flame, fire or heat or any flammable or combustible liquids, gas or other cooking device shall not be permitted inside or located within 20 ft of the tent or membrane structures while open to the public.
13. There shall be a minimum clearance of 3 ft between the fabric envelope and all contents located inside membrane structures.
14. 2A1OBC Portable fire extinguishers shall be provided on site.
15. Two exits must be provided as well as exit signs and emergency lighting for enclosed tents, tents with walls rather than canopy tents.
16. Tents over 200 sq ft shall be located further than 20 ft from buildings or structures.

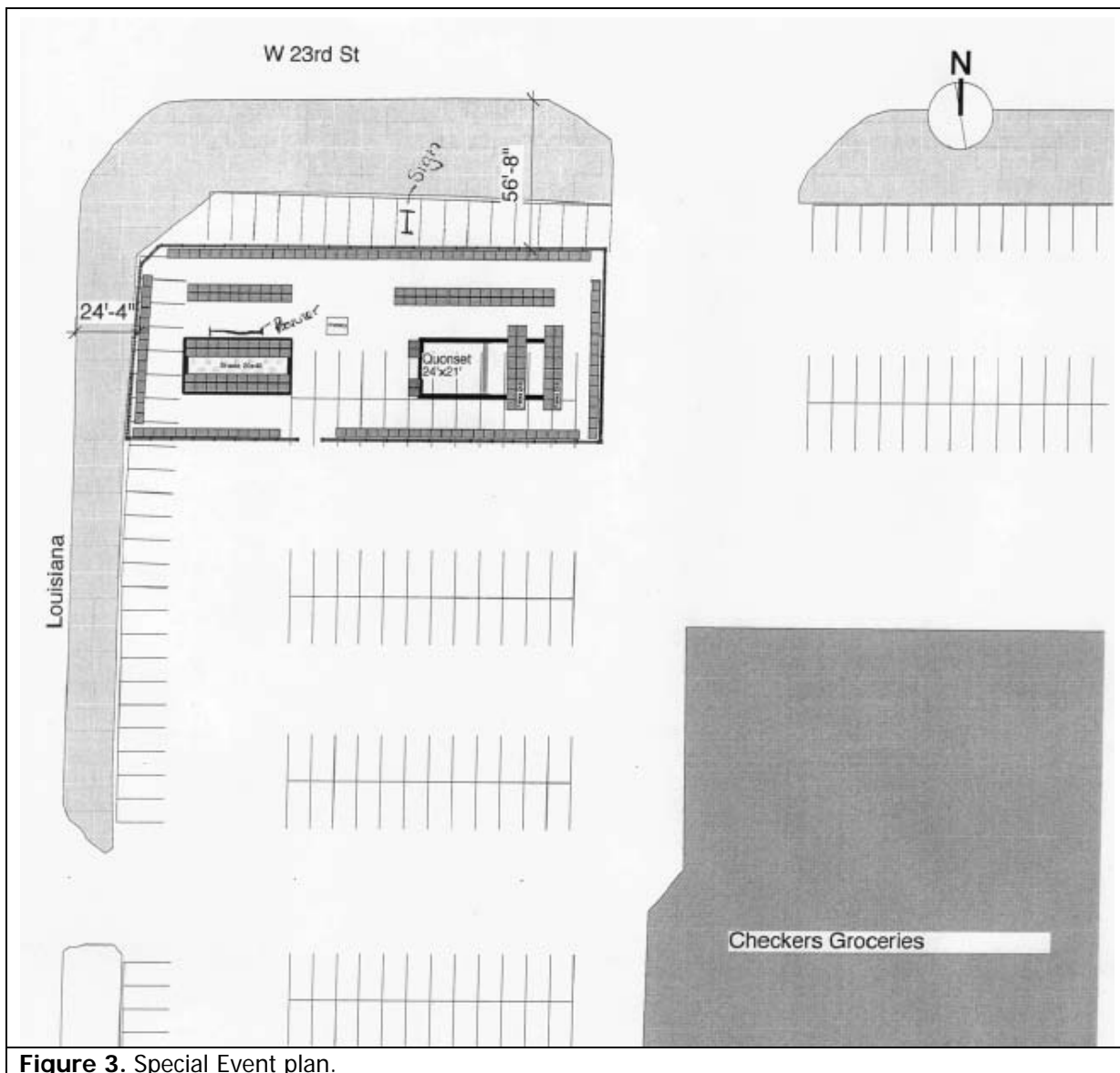
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2300 Louisiana Street



**Figure 1.** Aerial photo of 2300 Louisiana with kiosks in parking area circled.



**Figure 2.** Fence design illustration.



**Figure 3.** Special Event plan.