

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

SE-1-3-11: Special Event Permits requested for seasonal garden sales at 3301 Iowa Street from May 27th through June 30th, 2011. (Four administrative permits have been approved for this property for April 1st through May 26th.) Submitted by Kaw Valley Greenhouses, Inc. for Rock Chalk Land Development LLC, property owner of record.

GENERAL INFORMATION

Current Zoning and Land Use

PCD-[34th Street Investors] (Planned Commercial Development) District; vacant auto sales facility; *light equipment sales/rentals*

Surrounding Zoning and Land Use

PCD-[34th Street Investors] (Planned Commercial Development) District to the north, west and south. Property within the same planned development with the following land uses: *fast order food with drive-in* to the north and west, *quality restaurant* to the south.

CS (Commercial Strip) District to the east; *general retail sales*.

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 and a portion of the building located at 3301 Iowa 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 1st through May 26th; therefore, three permits for the additional 34 days requested (May 27 through June 30) 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 development plan for 3301 Iowa Street [FDP-05-05-05] shows that 3 parking spaces were required by Code and 3, including 1 ADA van accessible parking space were provided on the site. The Special Event Plan shows a total of 7 parking spaces on site, with one being ADA van accessible. The auto facility is vacant so the special event will be the only use on the property. The sales area will be open 12 hours per day and the applicant anticipates between 50 and 60 customers per day. The sales event will use the garage area as the sales area and display area for accessory products and approximately 6360 sq ft of the lot as a display area.

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 1. 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 right-of-way. The display areas will be setback 30 ft from the right-of-way. Adequate separation from the right-of-way is being provided. (Figure 2)

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 the fenced area. The garage of the existing structure shall be used as the sales area and also for display of accessory garden goods.

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.

To insure that adequate parking is provided the applicant shall obtain permission from the manager of the property to the south, Casa Agave, to use the northern portion of their parking area for overflow parking, approximately 6 spaces. The manager's written consent shall be provided to the Planning Office prior to release of the Special Event Permits. The applicant will create an opening in the perimeter fencing along the south side of the event area so customers parking to the south may enter.

Kaw Valley held a similar event at the northwest corner of 9th and Iowa Streets in the spring/summer of 2010 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 3301 Iowa Street from 8 am to 8 pm from May 27th through June 30th subject to the following conditions:

1. Prior to the release of the Special Event Permit, the applicant shall provide Planning with the written consent of the manager of the restaurant to the south, Café Agave, for event parking (6 spaces) to occur along the north side of their parking lot.
2. The plans shall be revised to show the following:
 - a. The location of the trash receptacles being provided.
 - b. The additional parking area, approximately 6 spaces, on the property to the south.
3. The Special Event Permit must be displayed on site during hours of operation.
4. A temporary sign permit must be obtained from Development Services.
5. 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 display area and the Iowa Street right-of-way with the exception of an opening along the south side of the event area to allow customers parking on the property to the south to enter.
6. Any structures must be removed within 24 hours after the cessation of the event.
7. Cars, trucks, vans, trailers may not be used for sale of merchandise.
8. Vehicles used for storage of merchandise for event may only be on site during the approved hours of operation.

SE Permit 1-3-11
3301 Iowa Street



Figure 1. Fence design illustration.

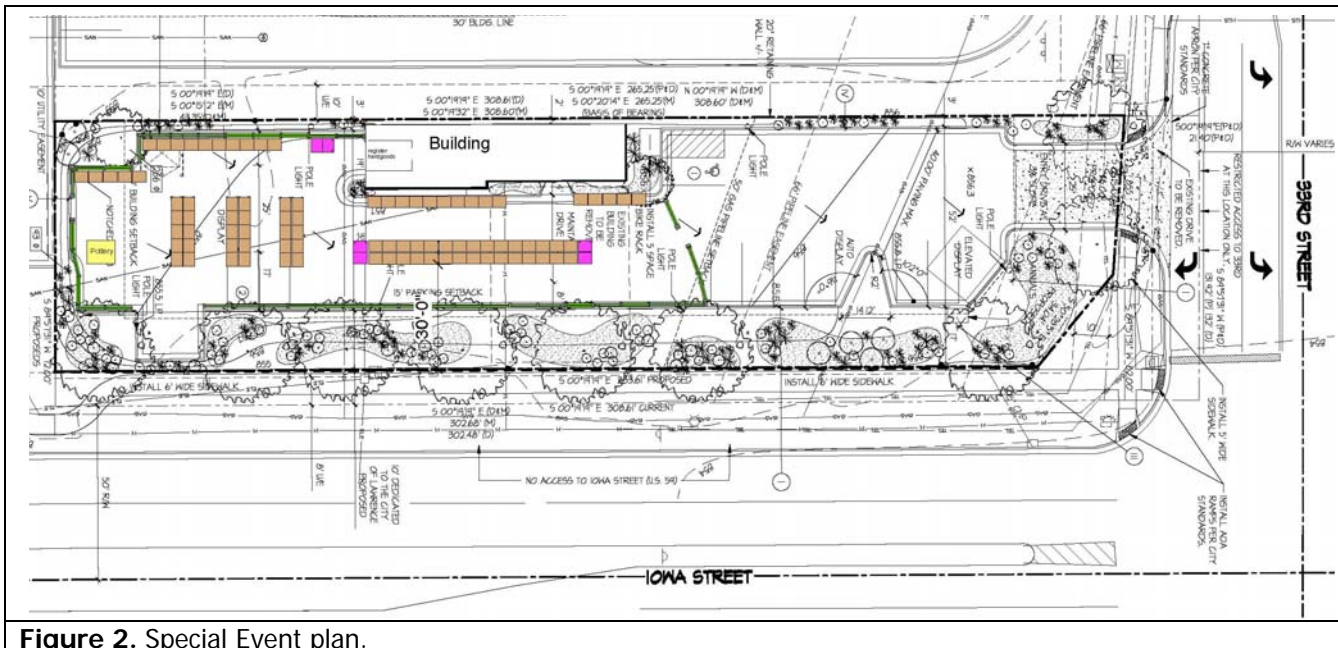


Figure 2. Special Event plan.