

**Staff Report for Special Event Permit
May 8, 2012
City Commission**

SE-4-17-12: Special Event Permit requested for bonsai tree sales at 2300 Louisiana Street from May 9th through May 23rd, 2012. Submitted by Greenpia America, LLC. 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

A Special Event Permit has been requested to allow bonsai tree sales to occur in the parking lot at 2300 Louisiana Street from May 9 through May 23, 2012. 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. All administrative permits have been issued for this property; therefore, this permit has 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 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 and 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. The special event plan shows 2 parking spaces being utilized for the event area. In addition, Kaw Valley Garden Sales is currently selling garden goods in the parking lot per previously approved 2012 Special Event Permits. The special event plan for Kaw Valley shows 48 parking spaces being utilized for the event area. The site contains adequate parking spaces for the two special event areas, grocery store use, and drop-off/collection boxes (50 + 179 + 10 = 239 parking spaces), with excess parking remaining (298 shown on the plan – 239 utilized = 59 excess parking spaces.) The amount of parking available on-site is adequate to accommodate these uses.

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The applicant proposes to use a 10'x10' open tent. Per Section 6-1501.6(A)(2), no structures or display areas shall be located closer than 25 ft to the public right-of-ways adjacent to the property. The tent will be located in an area that maintains the required 25 ft separation between the event area and the street right-of-way, as illustrated in Figure 1. The tent will be located east of the Kaw Valley seasonal garden sales area across one of the main driveways off of 23rd Street.

The event is proposed to occur 7 days a week from 8:00 am to 7:30 pm, which is similar to the operating hours of the surrounding properties. The tent must comply with the International Fire Code.

If temporary signage is to be used a temporary sign permit must be obtained from 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 held a similar sales event in this location last year without incident. The event should not create any negative impacts to surrounding properties.

Recommendation: Planning Staff recommends approval of the Special Event Permit for bonsai tree sales at 2300 Louisiana Street from 8:00am to 7:30pm from May 9th through May 23rd subject to the following conditions:

1. The Special Event Permit must be displayed on site during hours of operation.
2. A temporary sign permit must be obtained from Development Services for any signage.
3. Any structures must be removed within 24 hours after the cessation of the event.
4. Cars, trucks, vans, trailers may not be used for sale of merchandise.
5. Vehicles used for storage of merchandise for event may only be on site during the approved event hours.
6. A 25' wide traffic aisle width shall be maintained during sale. No items shall be displayed within the traffic aisle.
7. Display area, tent or structure may not be within 25' of public right-of-way.
8. The tent or other membrane structure must meet the International Fire Code.
9. Smoking is not permitted in tents or membrane structures. 'No Smoking' signs shall be conspicuously posted and enforced.
10. 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.
11. Portable fire extinguishers shall be provided on site.

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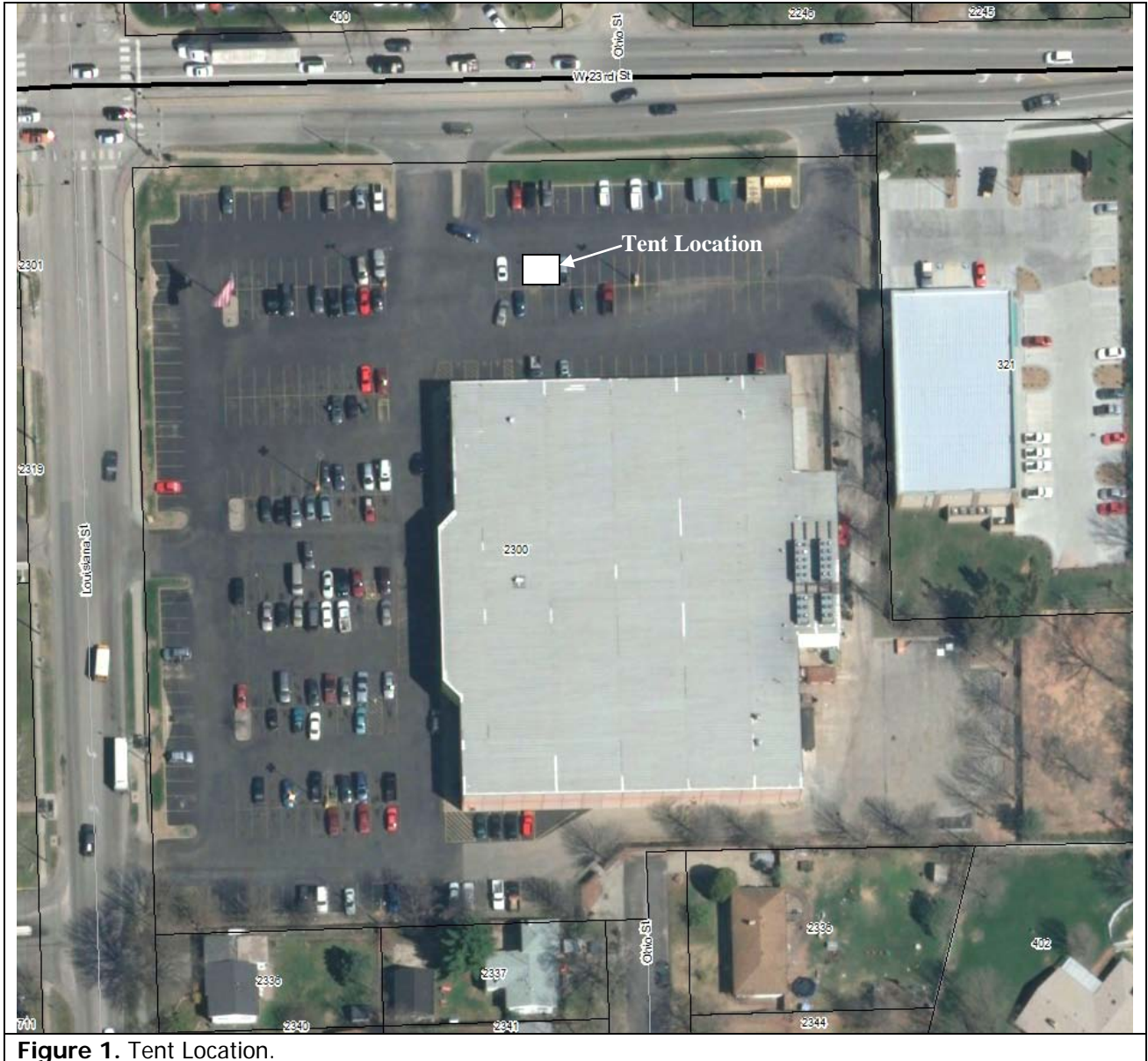


Figure 1. Tent Location.