



4600 West Fifty-First Street
Roeland Park, Kansas 66205
City Hall (913) 722-2600
Fax (913) 722-3713

Mayor Mike Kelly
City of Roeland Park, Kansas

Dear Mayor:

We, the undersigned Councilmembers of the City of Roeland Park, Kansas, hereby respectfully request you to call a special meeting of the Governing Body of the City of Roeland Park, Kansas to be held at the City Hall at 6:00 PM, Monday, March 4, 2019, for the object and purpose of:

AGENDA
SPECIAL COUNCIL MEETING
CITY OF ROELAND PARK, KANSAS
ROELAND PARK CITY HALL

Roeland Park City Hall 4600 W 51st Street, Roeland Park, KS 66205
March 4, 2019, 6:00 PM

I. New Business

- A. Special Event Permit for Seasonal Sales at Wal-Mart
- B. Tom Madigan Vacant *Jennifer Hill Tim Janssen *Claudia McCormack Erin Thompson Jim Kelly *Michael Poppa *These members called the Special Meeting

Welcome to this meeting of the City Council of Roeland Park. Below are the Procedural Rules of Council

The City Council encourages citizen participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following rules have been established to facilitate the transaction of business during the meeting. Please take a moment to review these rules before the meeting begins.

- A. **Audience Decorum.** Members of the audience shall not engage in disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that disrupt, impede, or otherwise render the orderly conduct of the City Council meeting unfeasible. Any

member(s) of the audience engaging in such conduct shall, at the discretion of the Mayor (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from that meeting. Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.

- B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the City Council during Public Comments and/or before consideration of any agenda item; however, no person shall address the Council without first being recognized by the Mayor (Chair). Any person wishing to speak, whether during Public Comments or on an agenda item, shall first complete a Public Comment or Request to Speak form and submit this form to the City Clerk before the Mayor (Chair) calls for Public Comments or calls the particular agenda item
1. **Public Comment on Non-Agenda Items.** The Agenda shall provide for public comment about matters that are within the jurisdiction of the City but are not specifically listed on the Agenda. A member of the public who wishes to speak under Public Comments must fill out a Public Comment Request to Speak form and submit it to the City Clerk before the Mayor (Chair) calls for Public Comments.
 2. **Public Comment on Agenda Items.** Public comment will be accepted on Agenda items. A member of the public, who wishes to speak on an Agenda item, including items on the Consent Agenda, must fill out a Request to Speak form and submit it to the City Clerk before the Mayor (Chair) calls the Agenda item.
- C. **Purpose.** The purpose of addressing the City Council is to communicate formally with the Council regarding matters that relate to Council business or citizen concerns within the subject matter jurisdiction of the City Council. Persons addressing the City Council on an agenda item shall confine their remarks to the matter under consideration by the Council.
- D. **Speaker Decorum.** Each person addressing the City Council, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the Council meeting. Any person, who so disrupts the meeting shall, at the discretion of the Mayor (Chair) or a majority of the Council Members present, be subject to removal from that meeting.
- E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the

City Council, each speaker shall limit comments to five minutes. If a large number of people wish to speak, this time may be shortened by the Mayor (Chair) so that the number of persons wishing to speak may be accommodated within the time available.

- F. **Speak Only Once.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time requested but not used by another.
- G. **Addressing the Council.** Comment and testimony are to be directed to the Mayor (Chair). Dialogue between and inquiries from citizens at the lectern and individual Council Members, members of staff, or the seated audience is not permitted. Council Members seeking to clarify testimony or gain additional information should direct their questions through the Mayor (Chair). Always speak from the microphone to ensure that all remarks are accurately and properly recorded. Only one speaker should be at the microphone at a time. Speakers are requested to state their full name, address and group affiliation, if any, before delivering any remarks.
- H. Agendas and minutes can be accessed at www.roelandpark.org or by contacting the City Clerk

The City Council welcomes your participation and appreciates your cooperation. If you would like additional information about the City Council or its proceedings, please contact the City Clerk at (913) 722.2600.

Item Number: New Business- I.-A.
Committee Meeting Date: 3/4/2019

City of Roeland Park
Action Item Summary

Date: 3/4/2019
Submitted By: Jennifer Jones-Lacy
Committee/Department: Administration
Title: Special Event Permit for Seasonal Sales at Wal-Mart
Item Type: Other

Recommendation:

To review and approve the Special Use Permit Application for Wal-Mart to display seasonal merchandise in their parking lot between March 7 and 9. The merchandise should only be displayed in the area designated in the application.

Details:

Wal-Mart would like to display seasonal merchandise, namely bags of mulch, sand and rocks in their parking lot from March through August. Wal-Mart is located in an area that does not allow outdoor storage or sale of goods. However, our Special Event Permit provides an avenue for the vendor to conduct seasonal sales in the parking lot. The City is the Governing Body.

The type of activity requested would typically fall under a Type 4 permit, which can be administratively approved. However, the time frame of the request exceeds the time frame for a code for a Type 4 permit. As such, this type of activity must be approved by Council. Below is the code associated with the Special Event Permits and applies in the City of Roeland Park.

Sec. 16-702. - Special Events; Defined.

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as permitted or accessory use by this chapter, for one or more activities:

- (a) Type 1. Fund raising or non-commercial events held outside an enclosed permanent structure for non-profit religious, educational or community service organizations within the City; including any on-site signs and structures in conjunction with the event;
- (b) Type 2. Christmas tree sales;
- (c) Type 3. Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district such as banners as defined in 16-903(c) hereof;
- (d) Type 4. Significant commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as tent sales, trade shows, farm sales or product demonstrations;
- (e) Type 5. Significant public events intended primarily for entertainment or amusement, such as carnivals, concerts or festivals.

Sec. 16-704. - Special Events; Administrative Permit Required.

(b) Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of section 16-703, may be permitted administratively by the Building Department upon review and approval of the police and fire departments. No administrative permit shall be issued unless all the following performance standards are met:

- (1) An application is made and a fee paid in accordance with section 16-706;
- (2) The special event shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic patterns;
- (3) If involving a banner, no more than one banner is displayed and the size and design of the banner is appropriate given the size of the building to which it is attached and the neighborhood and the banner shall be displayed for a maximum duration of 15 days per permit;
- (4) The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the activity;
- (5) The special event shall not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and traffic;
- (6) The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual intrusion;
- (7) Any structure used in conjunction with the special event shall meet all site distance requirements (see section 16-426), shall be the subject of a valid building permit, and shall be removed upon cessation of the event;
- (8) The special event shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct events on any property if they have been granted the appropriate permission;
- (9) The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed 14 hours;
- (10) The special event shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.

Sec. 16-705. - Special Events; Governing Body Approval Required.

All Type 5 events and any other event not meeting the criteria of sections 16-703 or 16-704 may be granted a special event permit by the Governing Body after review and approval of the Building Department Inspector. The permit may be subject to conditions and safeguards as the Governing Body may deem reasonably necessary to protect the public health, safety, and general welfare. The conditions may include but shall not be limited to:

- (a) Restrictions on the hours of operation, duration of the event, size of the activity, or other operation or characteristic;
- (b) The posting of performance bonds to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to Governing Body standards;
- (c) The provision of traffic control or security personnel to increase the public safety and convenience; and
- (d) Obtaining liability and personal injury insurance in forms and amounts as the Governing Body may find necessary to protect the safety and general welfare of the community.

Financial Impact

Amount of Request: N/A

Budgeted Item?

Budgeted Amount: N/A

Budgeted Amount:	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

Sec. 16-420. - Retail Business District; Development and Performance Standards.

All uses permitted in the retail business district, pursuant to Section 16-417 or Section 16-318, shall meet the following minimum standards:

(a)

All goods, merchandise and equipment shall be sold and rented, and all business activities or services shall be rendered or conducted within completely enclosed building. No permitted use shall be allowed to locate food and/or drink vending machines immediately adjacent to the enclosed building from which that activity or service is conducted.

(b)

No goods, merchandise or equipment shall be stored or displayed outside of a fully enclosed building, except, if the storage or display is screened or fenced in a manner approved by the Planning Commission and approved by the Governing Body.

ATTACHMENTS:

Description		Type
□	Special Event Application	Cover Memo



The City of Roeland Park, Kansas

4600 West Fifty-First Street

Roeland Park, Kansas 66205

City Hall (913) 722-2600 – Fax (913) 722-3713

Date filed: 2/8/19
Case no.: _____

Special Events Permit Type 2 – 5 Application

Chapter 16 - Article 7

FEE: Each application for a special event permit shall be accompanied by an application fee, except that such fee may be waived for any applicant registered with the State of Kansas as a non-profit organization. The fee for Type 2 - 5 applications shall be \$50. New Cost - \$50.00 for 3 day event

Applicant Walmart #2490 Phone (913) 236-8898

Applicants Address 5150 Roe Blvd.
Roeland Park KS 66205

Property owner Kessinger Hunter Phone (816) 936-8586

Property Owner's Address 2600 Grand Blvd. Suite 700
Kansas City, KS 64108

Type of Event: Seasonal mulch / Rock
(i.e. sale of seasonal goods)

Hours of Operation: 7am - 11pm

Length of time for right to do business - Start Date: 2/11/19 End Date: 8/1/19

Any signs/structures being used: Y (X) N ()

If yes, describe: merchandise displays, merchandise price signing

☒ Attach a sketch plan showing the location of the proposed activities, structures and/or signs in relation to existing buildings, parking areas, streets and property lines; and

☒ A letter from the property owner or manager, if different from the applicant, agreeing to the special event.

Applicant signature Danielle Lane Date 2/8/19

***The special event permit shall be posted on the site for the duration of the event.

Approved By: _____ Date: _____

If declined, reason why: _____

