

3. SPECIAL EVENT PERMIT NO. 2010-236 - Vicinity of the southwest corner of 135th Street and Metcalf Avenue

1. APPLICANT: Alice Werth, representing Metcalf Center Merchant's Association, is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting approval of a special event permit to allow a "First Thursdays" event from June 3, 2010, through October 7, 2010.
3. LOCATION: The subject property is located in the vicinity of the southwest corner of 135th Street and Metcalf Avenue.
4. EXISTING ZONING: This property is currently zoned CP-2, Planned General Business District.
5. ANALYSIS: The applicant is requesting approval of a special event permit to allow a "First Thursdays" event from June 3, 2010, through October 7, 2010. The event will take place on the first Thursday of every month at the Old Metcalf Center. The special event will consist of a band, face painting, a bounce house, and other small activities from 5 p.m. to 8 p.m. The event is being used to help increase customer awareness of the shops in the shopping center and to build business. Additionally, the applicant is requesting a banner to be placed along Metcalf Avenue four days prior to the scheduled event each month. The neighboring parking lot for Staples will be used as overflow parking during this event. The applicant has obtained approval from the owner of the property to allow the overflow parking.
6. STAFF RECOMMENDATION: This item requires City Council approval because of the duration and overall scope of the event. Staff is comfortable with the request and is confident the event will run smoothly. Staff recommends approval of Special Event Permit No. 2010-236, from June 3, 2010, through October 7, 2010, subject to the following stipulations:
 - a. The banners shall be maintained in good condition and be removed promptly following each event.
 - b. The applicant shall require any necessary temporary food service and liquor licenses.
 - c. This event is exempted from the requirements of Overland Park's noise ordinance (O.P.M.C. 7.08.001 – 7.08.003) between the hours of 5 p.m. and 10 p.m. If at any time during the course of this event the applicant is notified by an Overland Park Police Officer or other

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person designated as a commissioned City Officer that the sound generated by the event is creating a public disturbance, the sound shall be lowered so as not to create such a disturbance. If the public disturbance continues, the noise exemption is terminated and the sounds generated by the event are subject to the provisions of and prosecution under O.P.M.C. 7.08.001 – 7.08.003. For purposes of this permit, a public disturbance is defined as sound that unreasonably disturbs or interferes with the peace, comfort and repose of others. The Overland Park Police Officer or other person designated as a commissioned City Officer shall make the determination as to whether a public disturbance is occurring based upon reasonable complaints and his or her reasonable conclusion after investigating those complaints. The exemption is terminated upon notification of such termination to the holder of the permit at the location of the event and may revoke this special event permit if the applicant does not reduce noise levels immediately upon request.

- d. The applicant shall obtain tent permits from the Overland Park Fire Department for tents larger than 900 square feet.
- e. The site shall be cleaned and returned to its original condition following each event.