



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: February 16, 2010
Subject: Special Event Permit – Happy Day Tropical Sno #3 (MOTION)

List of committees that have reviewed: The Community Development Committee reviewed this application at its February 8, 2010 meeting and recommended approval with a vote of 5-0 with the following conditions:

1. The business may not operate for longer than 6 months. Mr. Cowden would operate from May through October given the 6 month duration.
2. The site must meet ADA requirements for accessibility.
3. The tropical sno concession and the mini golf are permitted under this Special Event Permit, but the Christmas tree lot will require a separate Special Event Permit.
4. The applicant is not permitted to string Christmas lights around the mini golf area.
5. The mini golf operation is permitted to operate during daylight hours (dawn to dusk).
6. Schedule an electrical inspection with the City for connection to nearby electrical source.
7. All temporary structures and facilities must be removed within 10 calendar days after the expiration of the special event permit.

Background:

- Applicant: Dennis Cowden for Happy Day Tropical Sno
- Location: 300 E Hwy 50 (corner of E Hwy 50 & Whitehall)
- Request permission to operate:
 - Tropical Sno Concession – April through December
 - Miniature Golf – April through October
 - Christmas Tree Sales – November through December
- Hours of Operation: 7 days a week from 9:00 AM to 10:30 PM, adjusted as necessary.
- Mr. Cowden's intention is to operate this "on a seasonal recurring basis until such time as permanent building/development plans are approved followed by thirty days notification of the city's intent to terminate the current existing Special Event Permit."
- Number of Employees: 6-10 part-time employees
- Parking will be provided on site in the gravel parking lot.
- The applicant is not requesting any special considerations from the City.

- The applicant has not provided a current letter from the property owner granting permission for the Special Event.

Legal Considerations, if any: None

Budget Impact: None

Staff Review: The Police and Fire Departments had no issues with the request. Staff originally recommended denial of the permit because the site is not paved, it is believed to not meet ADA requirements for accessibility, the requested 9 month duration was too long to be considered a Special Event, and there was concern about consistency with the requirements other “permanent” businesses must follow.

Staff reviewed the records for the 2009 tropical sno and Christmas tree lot permits, and the Council voted to require removal of the huts by December 31, 2009. Staff mistakenly informed the Committee that the tropical sno hut was approved to stay until February 17, 2010. Therefore, the hut should have been removed by now. Staff would like the Council to decide whether to require Mr. Cowden to remove the hut until his 2010 permit starts or to allow him to keep the hut in place through the 2010 season.