

THAT THE REQUEST BY HALLOWEEN EXPRESS TO ERECT A TEMPORARY BUILDING AT 5200 DURAND AVENUE FOR SALE OF HALLOWEEN RELATED MERCHANDISE BE APPROVED SUBJECT TO THE CONDITIONS CONTAINED HEREIN; THAT THIS APPROVAL SHALL SERVE AS A "STANDING" CONDITIONAL USE FOR HALLOWEEN EXPRESS AT THIS LOCATION; AND THAT FUTURE REQUESTS BY HALLOWEEN EXPRESS FOR THE SAME USE AND LOCATION MAY BE REVIEWED ADMINISTRATIVELY, SUBJECT TO THE CONDITIONS CONTAINED HEREIN.

- a. That the plans presented to the Plan Commission on July 8, 2015 be approved subject to the conditions contained herein.
- b. That the applicant shall receive authorization to commence activity at the site from the owners of the Target Parcel, located at 5300 Durand Avenue, prior to placement of any structures, accessory equipment, or trailers on the site; or sales activity commencing at this location. The applicant shall provide City Development written documentation of any agreements between Target and Halloween Express authorizing the request to proceed prior to issuance of any building or occupancy permits. This agreement shall be required annually with any future administrative requests to locate at 5200 Durand Avenue.
- c. That all codes and ordinances shall be complied with and required permits acquired for all approvals.
- d. That this approval is valid from September 1, 2015 through November 8, 2015.
- e. That the hours of operation may be Monday – Saturday from 10:00 a.m. – 9:00 p.m., and Sundays from 11:00 a.m. – 7:00 p.m.
- f. That the tent structure may not exceed 9,600 square feet in size, or be taller than 30-feet from grade to top of structure. The trash bin, port-o-lets and trailer shall be located as shown on the site plan.
- g. That the applicant shall maintain the site in good condition, keeping the grounds free of trash and debris; trash shall be removed bi-weekly; and the port-o-lets shall be serviced and cleaned as required.
- h. That any sign other than the 'Halloween Express' on the tent structure shall require review and approval by the Department of City Development, and required permits pulled.
- i. That no food or drink shall be served, sold, or provided for sample at any time.
- j. That future requests by Halloween Express to locate their temporary structure and equipment at 5200 Durand Avenue shall be subject to conditions as outlined in this approval. Future request and application materials may be presented to Staff for an Administrative Review, and may be subject to additional conditions upon review.
- k. That in the event future request for Administrative Review deviate considerably in size, location, hours, business operation, etc. from previous approvals, Staff maintains the discretion to require a revised conditional use be obtained.
- l. That should issues with violence, theft, site upkeep, vandalism, or other disturbances or negative effects become an issue, approval may be revoked by the Chief Building Inspector / Zoning Administrator, and any future requests shall revert back to the requirement of obtaining a conditional use permit.
- m. That any appeals to this approval or subsequent administrative approvals shall be conducted via Sec. 114, Article II, Division 3 of the Zoning Ordinance.