

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, MARCH 2, 2021
7:00 P.M.**

The Planning Commission will be meeting remotely via Zoom. To watch the meeting, click the following link: <https://us02web.zoom.us/j/84884970197>. The meeting will also be live-streamed on the City of Prairie Village Facebook page at www.facebook.com/CityofPrairieVillage.

To participate in the public hearing, residents can email their comments to City Clerk Adam Geffert at cityclerk@pvkansas.com. All comments must be received by 5:00 p.m. on Tuesday, March 2. If you would like to speak live during the public hearing, you must notify the City Clerk with your name, address, and email address. The City will call on those who signed up to speak once the public hearing begins. Members of the public will not be able to participate in the meeting unless you sign up with the City Clerk ahead of time. Each individual that wishes to speak during the public hearing will be given 3 minutes.

- I. **ROLL CALL**
- II. **APPROVAL OF PLANNING COMMISSION MINUTES - FEBRUARY 2, 2021**
- III. **OLD BUSINESS**
- IV. **PUBLIC HEARINGS**
 - PC2021-104 Consider approval of amendments to Chapter 19.47 of the zoning regulations to add tree protection requirements
- V. **NON-PUBLIC HEARINGS**
 - PC2021-103 Site Plan Approval for Patio Expansion
Blue Moose Bar and Grill
4160 W. 71st Street
Zoning: C-2
Applicant: Ed Nelson, KC Hopps
 - PC2021-105 Conditional Use Permit for Food Trailer at Meadowbrook Inn
4901 Meadowbrook Parkway
Zoning: MXD
Applicant: Justin Duff, VanTrust Real Estate, LLC
- VI. **OTHER BUSINESS**
- VII. **ADJOURNMENT**

Plans available at City Hall if applicable
Comments can be made by e-mail to
cityclerk@pvkansas.com prior to the meeting.

***Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.**

PLANNING COMMISSION MINUTES FEBRUARY 2, 2021

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, February 2, 2021 at 7:00 p.m. Due to the COVID-19 pandemic, Commission members attended a virtual meeting via the Zoom software platform. Chair Greg Wolf called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Breneman, Patrick Lenahan, Melissa Brown, Nancy Wallerstein, Jeffrey Valentino.

The following individuals were present via Zoom in their advisory capacity to the Planning Commission: Chris Brewster, Gould Evans; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official; Ron Nelson, Council Liaison; Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mrs. Wallerstein asked that a correction be made to the "Approval of Minutes" section from the January 5, 2021 meeting, adding the phrase "that was not shown." The sentence was corrected to read as follows:

"Mrs. Wallerstein asked that the concerns she raised about an additional building at the rear of the property that was not shown on the originally submitted plans for PC2020-123 be included in the minutes."

Mr. Lenahan moved for the approval of the minutes of the January 5, 2021 regular Planning Commission meeting as amended. Mrs. Wallerstein seconded the motion, which passed unanimously.

PUBLIC HEARINGS

None

NON-PUBLIC HEARINGS

PC2021-102	Site Plan Approval for Exterior Patio Fencing and Façade Va Bene Restaurant 8232 Mission Road Zoning: C-2 Applicant: Whitney VinZant
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Mr. Brewster stated that the applicant was requesting site plan approval to build an enclosed area for patio seating on the east side of the Corinth shops building. He noted that restaurants were an allowed use in the C-2 zoning district and outside patio seating was an allowed accessory use for restaurants, with some scale limitations. The application met the allowed accessory use option due to the limited scale of the seating area.

Mr. Brewster added that staff recommended approval of the fenced enclosure around the existing patio seating area as presented by the applicant.

Applicant and restaurant owner Whitney VinZant, 830 W. 54th Street, Kansas City, Mo., was present to discuss the planned addition. He said that the proposed trellises would hold lighting similar to what was installed at the BRGR restaurant, which was also located in the Corinth shopping center.

Mr. Breneman made a motion to approve the application as presented. Ms. Brown seconded the motion, which passed unanimously.

OTHER BUSINESS

Ms. Robichaud stated that a public hearing to consider the proposed tree protection ordinance would be held at the March 2 Planning Commission meeting. She added that City Council had reviewed the plan, and had not made any significant changes.

Ms. Robichaud also said that City Council had approved the Village Vision 2.0 comprehensive plan at its January 19 meeting. A Planning Commission work session would be scheduled later in the year to review the plan.

ADJOURNMENT

With no further business to come before the Commission, Chair Greg Wolf adjourned the meeting at 7:12 p.m.

Greg Wolf
Chair



PLANNING COMMISSION

Planning Commission Meeting Date: March 2, 2021

PC2021-104: Consider approval of amendments to Chapter 19.47 of the Zoning Regulations, entitled “Landscape Standards,” to add tree protection requirements

RECOMMENDATION

Staff recommends approval of PC2021-104, amending Chapter 19.47 of the zoning regulations, entitled “Landscape Standards,” to add tree protection requirements.

BACKGROUND

The Tree Board gave a presentation at the August 17, 2020 city council meeting requesting that the Council consider adopting an ordinance to provide greater protection for trees in Prairie Village. The City Council directed staff at that meeting to review the proposed ordinance by the Tree Board and draft a final ordinance for further review and consideration.

Planning, Codes, and Public Works staff met several times in the fall of 2020 to refine and finalize an ordinance for the Council and Planning Commission’s consideration. The proposed ordinance would be a part of Chapter 19.47 of the City’s zoning regulations, which requires public notice, a public hearing, and a recommendation from the Planning Commission prior to final adoption by the Governing Body. The draft was presented to the Tree Board in November and the Planning Commission and Environmental Committee in December for further review and input.

Planning Consultant Chris Brewster will present the proposed ordinance at the meeting and answer questions. The Planning Commission must hold a public hearing prior to voting on a recommendation of approval or denial. The Planning Commission’s recommendation will go to the City Council for final consideration at the March 15, 2021 City Council meeting.

ATTACHMENTS

Ordinance 2446 - Tree Protection Ordinance
Presentation

PREPARED BY

Jamie Robichaud
Deputy City Administrator
Date: February 25, 2021

Text shown in red is the new language being added to the Zoning Regulations

ORDINANCE NO. 2446

AN ORDINANCE AMENDING THE CITY OF PRAIRIE VILLAGE, KANSAS ZONING REGULATIONS BY ADDING TREE PROTECTION REQUIREMENTS TO CHAPTER 19.47, ENTITLED “LANDSCAPE STANDARDS” AND ADDING ADDITIONAL DEFINITIONS TO CHAPTER 19.02 “DEFINITIONS.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Chapter 19.02 of the Prairie Village Municipal Code, is hereby amended by adding new Section 19.02.168 “Diameter at Breast Height (DBH),” new Section 19.02.177 “Drip Line,” and new Section 19.02.293 “Kansas Champion Tree” all to read as follows:

19.02.168 Diameter at Breast Height (DBH)

“Diameter at Breast Height” or “DBH” means the diameter in inches of a tree as measured through the main trunk at a point four and one-half feet (4.5’) above the natural grade level.

19.02.177 Drip Line

“Drip Line” means a vertical line running through the outermost portion of the canopy of a tree and extending down to the ground.

19.02.293 Kansas Champion Tree

“Kansas Champion Tree” means a tree of unique distinction, representing the largest tree of a species, located in the state of Kansas and recognized by the Kansas Forest Service. Such trees may be located on public and/or private property within Prairie Village.

Section II.

Chapter 19.47 of the Prairie Village Municipal Code, entitled “Landscape Standards,” is hereby amended by amending Sections 19.47.010 “Intent and Applicability,” and 19.47.020 “Required Landscape,” and adding new Section 19.47.060 “Tree Protection” all to read as follows:

19.47.010 Intent and Applicability

1. **Intent.** The intent of the landscape standards are to:
 - (1) Create an attractive aesthetic environment in the City, and preserve the value of properties as new investment occurs;
 - (2) Improve the relationship of buildings and sites to the streetscape, and coordinate the designs of multiple sites and buildings along a block through consistent frontage designs;
 - (3) Encourage creative and efficient site design where the layout of sites

Text shown in red is the new language being added to the Zoning Regulations

and buildings can allow open spaces and landscape to serve multiple aesthetic, screening, environmental, and social or recreational functions;

- (4) Enhance the environmental and ecological function of un-built portions of sites;
- (5) Reduce the exposure and adverse impacts of intense land uses, activities, and site conditions on streets and adjacent areas, and mitigate the effects through landscape designs; and
- (6) Preserve the tree canopy and streetscape of Prairie Village for the aesthetic, economic, and environmental benefits of tree preservation.

2. **Applicability.** A landscape plan shall be required for any application that requires a site plan approval per Section 19.32. Landscape standards shall specifically apply to:

- (1) All development in the R-3, R-4, C-O, C-1, C-2, and MXD districts.
- (2) Any permitted non-residential uses in the R-1A, R-1B, and R-2 districts, including any conditional uses, special uses, or accessory uses that have a landscape requirement as part of their conditions.
- (3) Any single-family development project that requires streetscape or landscape improvements per the Neighborhood Design Standards shall meet the standards in Sections 19.06.025 and 19.08.025.
- (4) The tree protection provisions apply as specifically stated in Section 19.47.060

19.47.020 Required Landscape

(a) **Site Elements and Planting.** The required landscape shall be based on different elements of the site, according to Table 19.47 A: Plan Specifications.

Table 19.47 A: Plant Specifications

<i>Site Element</i>	<i>Trees</i>	<i>Evergreen</i>	<i>Shrubs</i>
Streetscape and Frontage: The area between the front building line and the street, including any plantings required in the ROW, used to create a relationship between the site and the public realm.	1 large tree per 40' of lot frontage; 2 large trees per 40' if buildings setback more than 30'.	n/a	n/a
	Corner lots shall meet this requirement on side lot lines at a rate of 50% of the streetscape and frontage rate.		
Foundation. Areas along the building frontage (within the first 10' – 20 from the building) used to provide accents and soften larger expanses of buildings.	1 ornamental tree per 25' of building frontage.	Evergreens may be substituted for ornamental trees at a rate of 1 for 1 for up to 50% of the requirement.	5 shrubs for 25' of building frontages.
	Side elevations on corner lots shall provide this standard on at least 50% of the building.		
Parking. Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain and infiltrate stormwater.	1 large tree per 40' of parking perimeter; and 1 large tree per 40 parking spaces in internal islands or added to the perimeter. Ornamental trees may be	Evergreens may be substituted for perimeter trees at a rate of 2 for 1, for up to 50% of the perimeter requirement that does not face a front lot line.	5 shrubs for 25' of perimeter. Any parking near the right of way or adjacent to lots may require buffers per section 19.47.040.

Table 19.47 A: Plant Specifications

Site Element	Trees	Evergreen	Shrubs
	substituted for large trees at a rate of 2 for 1 for up to 50% of the internal islands requirements.		
Buffers. Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.	See Section 19.47.040.		

- (b) **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and of a desirable species may count towards these requirements provided ~~measures are taken to~~ protection measures in Section 19.47.060 are taken to ensure the survival of the vegetation through construction and all other location and design standards are met. Credits shall be on a 1 for 1 basis provided existing trees shall be at least 43" caliper to count. Landscape material that is of exceptional quality due to size, maturity and health may be credited on a 2 for 1 basis. ~~Trees or other existing landscape that contributes to the standard shall be protected by a construction fence installed at the greater of the drip line or 15 feet from the trunk of a tree, for the entirety of construction.~~
- (c) **Design.** The required landscape material shall be arranged and designed on a particular site in a way that best achieves the intent expressed in 19.47.010, with regard to the specific context, street frontage, property adjacencies and other elements proposed on the site. Specifically, designs shall:
1. Create an attractive site.
 2. Improve the relationships of buildings and sites to the streetscape and block.
 3. Promote efficient layouts of the site and landscape areas.
 4. Enhance environmental and ecological functions of the site.
 5. Screen and buffer any potential adverse impacts of site elements.

19.47.060 Tree Protection

- (a) **Applicability.** The provisions of this section shall specifically apply to:
1. Any removal of a tree in the public right-of-way, except for those authorized by an official City project.
 2. All applications that are subject to the landscape standards in Section 19.47.010 (B);
 3. The following situations in R-1A and R-1B zoning where:
 - a. Any new residential structure is built on a vacant lot;
 - b. An existing residential structure is torn down, whether it is just a demolition or a demolition and rebuild of a new residential structure;

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- c. Any remodel of an existing residential structure that adds more than 600 square feet to the existing building footprint; and
- d. Any remodel of an existing residential structure that tears down more than 10% of the existing structure associated with the new construction.

(b) **Tree Protection and Removal Plan.** A tree protection and removal plan shall be provided for all applicable projects where:

1. The property has a tree protected by Section 19.47.060 (C);
2. As part of a landscape plan associated with development, where existing trees will be retained and protected to meet landscape requirements;
3. Any trees are proposed to be removed as part of a building permit associated with situations listed in 19.47.060 (A) above.

The tree protections and removal plan shall:

1. Show all existing trees, including size and species;
2. Identify trees proposed for removal and those to be retained;
3. Include locations of protection fences and other protection measures required by this Section.

(c) **Protected Trees.** Trees are protected based on their size and location, as specified in Table 19-57-D and Figure 19-47-1. Protected trees require mitigation if removed; trees prohibited from removal require special circumstances and approval to remove the tree, and require additional mitigation if authorized to be removed.

Table 19-47-D Protected Trees				
Location	Protected Tree (DBH)	Mitigation if removed [2]	Prohibited from Removal [1] (DBH)	Mitigation if removed [2]
Area 1: Street Trees	--	--	All trees	1 tree for each 6" caliper removed (maximum 3)
Area 2: Frontage Trees	3" – 6"	1 for 1 tree replacement	6" +	1 tree for each 6" caliper removed (maximum 3)
Area 3: Lot Trees	6" – 20"	1 for 1 tree replacement	20" +	1 tree for each 12" caliper removed
Area 4: Buildable Area Trees	6" – 30"	1 for 1 tree replacement	30" +	1 tree for each 15" caliper removed
All Areas	--	--	Any Kansas State Champion Tree	1 tree for each 6" caliper removed (maximum 3)

[1] Trees prohibited from removal may only be removed as provided in Section 19.47.060 (E)

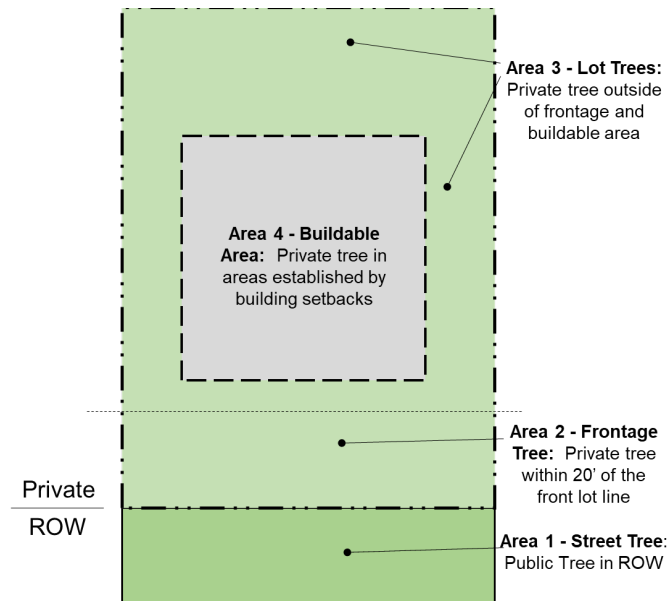
[2] Replacement trees shall be at least 2" caliper trees, as required by Section 19.47.030 (B)

1. **Area 1:** Area 1, "street trees" includes any tree that is in the public right-of-way.

Text shown in red is the new language being added to the Zoning Regulations

2. **Area 2:** Area 2, “frontage trees” includes any tree that is 3” caliper or more, on private property and within 20 feet of the front lot line.
3. **Area 3:** Area 3, “lot trees,” includes any tree that is 6” caliper or more, on private property, but outside of the frontage or buildable area.
4. **Area 4:** Area 4, “buildable area trees” includes any tree that is 6” caliper or more, and in the buildable area determined by the zoning setbacks applicable to the principal building.

Figure 19-4-1 Tree protection provisions and required mitigation is based on the area of the lot and the size of trees in particular areas.



(d) **Protection Measures.** All trees that are prohibited from removal and any other tree that will remain on site according to the Tree Protection and Removal plan shall be protected by the following measures:

1. **Fences.** Protective/temporary fences shall be required for all trees noted to remain on the tree protection and removal plan, or otherwise not authorized for removal. Fences shall be a snow fence, chain-link fence, orange vinyl construction fence, or other similar fencing with a minimum four feet (4') height. The protective fence shall prevent infringement on the root system from any construction-related activities and be installed according to Table 19-47 (E).

Table 19-47-E: Protective Fencing		
Tree Size	Fenced Area (lessor of); 5' minimum in all cases	
> 28" DBH	20' from center of tree	Fencing protecting at least 75% of the drip line
20" DBH – 28" DBH	15' from center of tree	
< 20" DBH	10' from center of tree	
All required protective/temporary fences shall be at least 4' high		
On lots less than 10,000 square feet, the Director may approve fences 15' from the center of tree for trees > 28" DBH and 10' from the center of tree for trees up to 28" DBH.		

Fenced areas shall exclude any preexisting structures, foundations, slabs, roadways, sidewalks, and driveways. The fence shall be installed along the edge of the driveways/roadways encompassing the tree to restrict access from the street side. All fences shall appear on construction documents and be installed prior to any other construction-related activity. The fence shall remain in place at all times until all other construction-

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related activity has been completed or final grade achieved. The City may authorize that fences be moved at certain times for final grading, access, or other work. As part of a permit or review of a tree protection and removal plan, the City may determine that areas of the site removed from construction activity and where damage to roots is not likely may not need protective fences.

2. *Prohibited activities.* Except for utility work or in association with other activity approved by the City, the following activities are not allowed within the Protective Fencing area:
 - a. Stock piling of construction materials or waste from the construction process;
 - b. The cleaning of construction equipment;
 - c. Parking, storage, or placement of any vehicles, construction equipment, or temporary structures;
 - d. Grade changes, cut of fill, in excess of 2 inches;
 - e. New paving with asphalt, concrete, or other materials; and
 - f. No signs, wires, or other attachments other than those of a protective nature shall be attached to any tree.
- (e) **Exceptions for Removal.** It is the property owner's responsibility to ensure that no person remove, damage, or otherwise impair any tree prohibited from removal without written authorization from the Building Official to remove the tree. The Building Official may consider an exception to remove the tree only upon a written request indicating the specific tree and documentation establishing justification for removal. The Building Official shall generally grant the exception for the following:
 1. The tree is dead;
 2. The tree is diseased or dying, and constitutes a threat to healthy trees, property, or public safety; or
 3. Removal of the tree is necessary for construction, development, or redevelopment under the following criteria:
 - a. All reasonable efforts have been made to avoid removing the tree through comparable alternative designs;
 - b. The presence of the tree places an undue financial burden on the applicant; and
 - c. No other reasonable accommodations, including adjustments to the otherwise allowable building footprint or site design can be made to preserve the tree.

The Building Official may seek advice from the Prairie Village Tree Board, other staff, or departments or a third party consultant. Written authorization by the Building Official shall be valid for the duration of any permit associated with the authorization. Except for applications associated with a Site Plan approved by the Planning Commission, the Building Official's decision may be appealed as provided in Section 19.54.025.

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- (f) **Violation and Enforcement.** Removal, damage, or impairment of any protected tree, except as provided in this Section, is a violation of this Section, enforceable as provided in Section 19.01.045, and each tree shall be considered a separate incident. Any fines and penalties shall be in addition to the mitigation measures required in sub-section (c) for removal of protected trees.

Section III. Repeal of Prior Ordinances.

Sections 19.47.010 and 19.47.020 of Chapter XIX of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section IV. Effective Date.

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the Governing Body of the City of Prairie Village, Kansas on March 15, 2021.

CITY OF PRAIRIE VILLAGE, KANSAS

Eric Mikkelsen, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO LEGAL FORM:

David E. Waters, City Attorney



Tree Protection Ordinance

Planning Commission

March 2, 2021



PRAIRIE VILLAGE
THE STAR OF KANSAS

BACKGROUND

- Tree Board tree protection proposal to City Council (August 17, 2020)
- Council Direction to Staff (August 17, 2020)
- Staff Committee revisions (August - October, 2020)
- Tree Board review (November 4, 2020)
- Planning Commission introduction (December 1, 2020)
- Environmental Committee review (December 2, 2020)
- Initial Draft to City Council (January 4, 2021)
- Planning Commission public hearing (March 2, 2021)
- Final Consideration by City Council (March 15, 2021)



RELATED EFFORTS

- Neighborhood Design Standards (2016; 2018)
- Landscape Ordinance (2019)

Strategy is to incorporate it into a subsection of recently adopted landscape ordinance (19.47)



INITIAL DRAFT

Applicability (19.47.060.A)

- All right-of-way trees
- Site plans where landscape standards apply
- Residential teardown / rebuild / rehabs
 - New structure on vacant lot
 - Demolition / Demolition + rebuild
 - Remodels - 10% tear down or 600 s.f. additions



INITIAL DRAFT

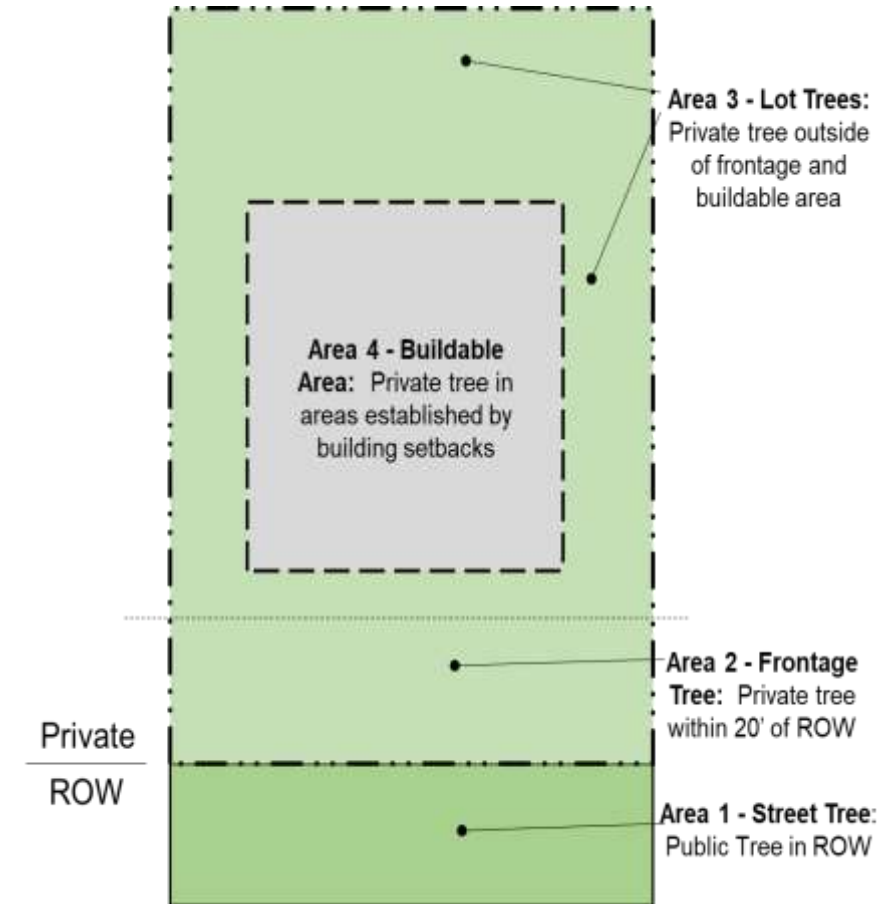
What's Protected? (19.47.060.C.)

- Priority by area and size

Table ### Protected Trees				
Location	Protected Tree (caliper at DBH)	Mitigation if removed [2]	Prohibited from Removal [1] (caliper at DBH)	Mitigation if removed [2]
Area 1: Street Trees	--	--	All trees	1 tree for each 6" caliper removed (maximum 3)
Area 2: Frontage Trees	3" – 6"	1 for 1 tree replacement	6" +	1 tree for each 6" caliper removed (maximum 3)
Area 3: Lot Trees	6" – 20"	1 for 1 tree replacement	20" +	1 tree for each 12" caliper removed
Area 4: Buildable Area Trees	6" – 30"	1 for 1 tree replacement	30" +	1 tree for each 15" caliper removed
All Areas	--	--	Any Kansas State Champion Tree	1 tree for each 6" caliper removed (maximum 3)

[1] Trees prohibited from removal may only be removed as provided in Section 19.47.060. E.

[2] Replacement trees shall be at least 2" caliper trees, as required by Section 19.47.030.B.



INITIAL DRAFT

What's Protected? (19.47.060.C.)

- Protected vs. Prohibited from Removal
 - Protected = Must be replaced if removed.
 - Prohibited from Removal =
 - Requires permission prior to removal / penalty if removed without permission
 - Removal for special situations
 - Requires additional mitigation / replacement
 - All trees to be saved require protective fencing



INITIAL DRAFT

What Trees Can be Removed? (19.47.060.E.)

- Any tree where the ordinance is not applicable
- Any tree not protected (size by zone)
- Any “protected tree” (but requires replacement)
- Trees “prohibited from removal,” IF:
 - Health of the tree compromised (dead / dying / storm damage)
 - Other public safety issues
 - “Necessary for construction, development, redevelopment...”
 - Heightened mitigation when removed with permission
 - Penalty / enforcement if removed without permission



INITIAL DRAFT

How Are Trees Protected? (19.47.060.D.)

- Site plans or construction plans require tree protection plan.
- Protecting root zones
- Required fencing to limit activities
- Prohibited activities in protected zone



NEXT STEPS

- Staff finalize draft based on input and direction
- Final reviews by staff and City Attorney
- Public Hearing at Planning Commission (February)
- City Council adoption (February)

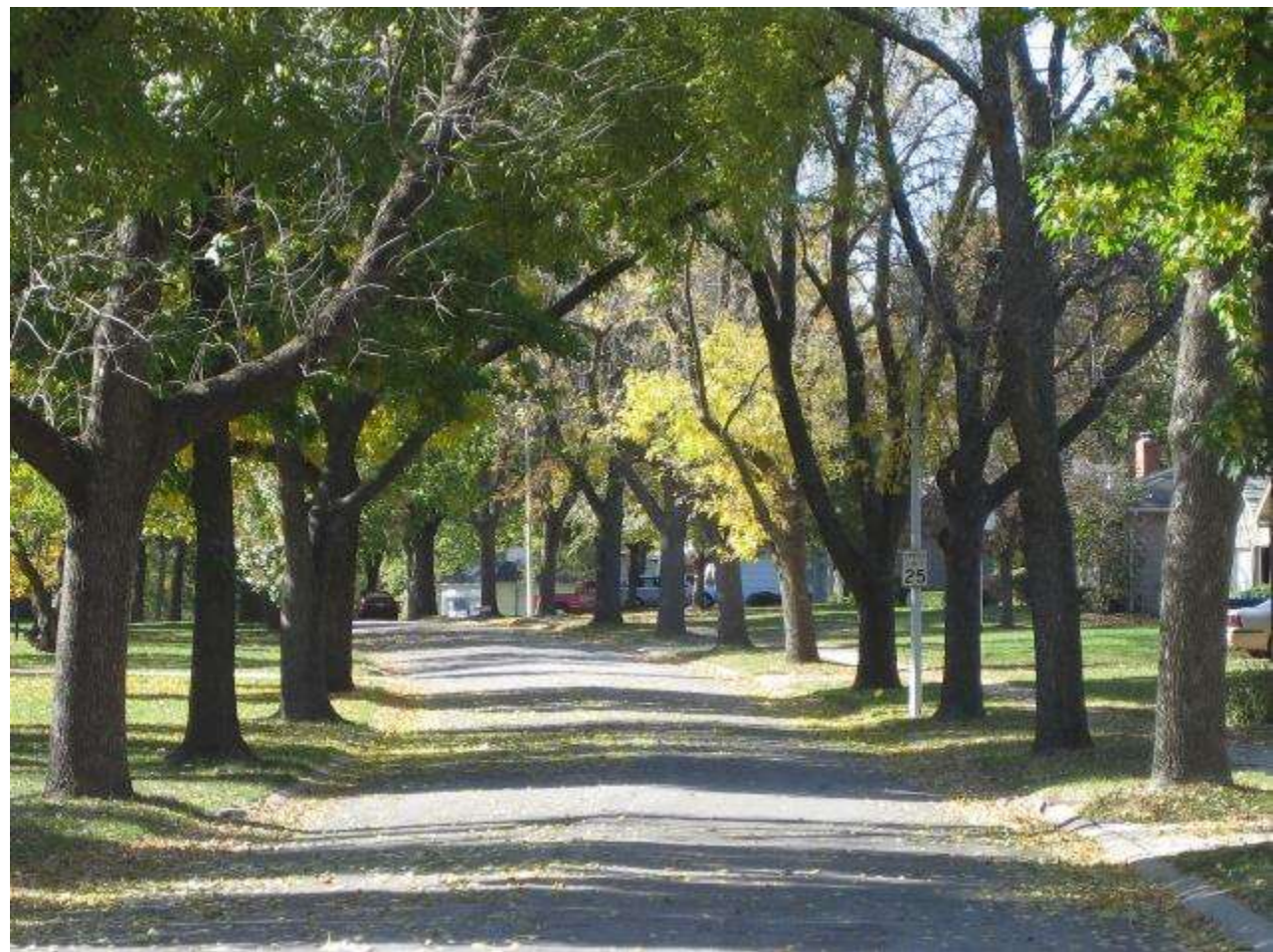


A photograph of a quiet residential street lined with large, mature trees. The street is paved and leads into the distance. On the left, a white car is partially visible behind the trees. On the right, there's a sidewalk, a small evergreen tree, and a street sign. The scene is bathed in soft, golden light, suggesting late afternoon or early morning. A semi-transparent white rectangular box is centered over the middle of the image, containing the word "Discussion" in a dark blue serif font.

Discussion



PRAIRIE VILLAGE
THE STAR OF KANSAS





STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: March 2, 2021, Planning Commission Meeting

Application: PC 2021-103

Request: Site Plan approval – addition of exterior patio

Action: *A Site Plan requires the Planning Commission to apply the facts of the application to the standards and criteria of the ordinance, and if the criteria are met to approve the application*

Property Address: 4160 W. 71st Street

Applicant / Owner: Blue Moose Bar & Grill / Ed Nelson, KC Hopps

Current Zoning and Land Use: C-2 General Commercial

Surrounding Zoning and Land Use: **North:** C-2 General Business – Retail (Prairie Village Shops).
East: C-2 General Business – Retail (Prairie Village Shops).
South: R-1B Single-family Residential District - residential
West: R-1B Single-family Residential District - residential

Legal Description: LEASED IMPROVEMENT ON PARCEL: PRAIRIE VILLAGE SHOPPING CENTER LT 1

Property Area: 14.3 acres (624,925.64 sq. ft.)

Related Case Files: n/a

Attachments: Application, site plan and conceptual elevations

General Location Map



Aerial Map



Site



Street View



Street view looking northwest at the building frontage from 71st Street.



Street view looking southwest at the building frontage (internal street)



Bird's eye view

Background:

The applicant is requesting site plan approval to expand an existing outside seating areas from just over 1,000 square feet to approximately 1,850 square feet. The seating areas is associated with a restaurant, which is an allowed use in this zoning district and outside patio seating is an allowed accessory use for restaurants subject to some scale limitations. This application meets the allowed accessory use option due to the limited scale of the seating area. However, the expansion of the patio area into some of the current parking requires site plan review according to the zoning standards. [Zoning Ordinance, Section 19.20.045].

The applicant held a neighborhood meeting on February 11, 2021, in accordance with the Prairie Village Citizen Participation Policy. The applicant has provided background on that meeting to supplement the application.

Site Plan Criteria:

New uses, expansion of uses by 10% or more, and other significant exterior changes in the opinion of the building official require site plan review in the C-2 district [Section 19.20.045]. The following are the site plan review criteria: [Section 19.32.030]

A. Generally.

- 1. The plan meets all applicable standards**
- 2. The plan implements any specific principles or policies of the comprehensive plan that are applicable to the area or specific project.**
- 3. The plan does not present any other apparent risks to the public health, safety, or welfare of the community.**

The property is zoned C-2, General Business District. This district has the following setbacks:

- 15' Front yard [19.16.020]
- 15' side yard for 1-story; 15' for 2-story; and 20' for 2.5 story [19.16.025]
- 10' rear yard. [19.16.030]

This building and the proposed enclosed area is at the southwest portion of a large commercial site. The site is incorporated into a much larger commercial center, including a shared parking area for the entire 14.3 acre site. All portions of the building and site, including the new construction activity, meet the required setback.

The C-2 district allows restaurants, and outside patio seating is a permitted accessory use subject to the general accessory use performance criteria that limit impacts on adjacent property [Zoning Ordinance, 19.34.005]. The C-2 district also allows outdoor merchandise areas for general commercial areas if it is less than 20% of the interior space. [Zoning Ordinance, Section 19.20.010.B.]. The application meets each of these provisions and is an allowed use in C-2.

B. Site Design and Engineering.

- 1. The plan provides safe and easy access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle and pedestrian needs.**
- 2. The plan provides or has existing capacity for utilities to serve the proposed development.**
- 3. The plan provides adequate stormwater runoff.**
- 4. The plan provides proper grading considering the prevailing grades and the relationship of adjacent uses.**

There is no change to the access and circulation for the site, which is part of a much larger commercial and mixed-use area with shared parking facilities. The expansion is converting 3 parking spaces to patio surface while relocating the two ADA accessible spaces; however, the overall parking for this use will not be significantly impacted. It is part of a larger shared parking

arrangement for the shopping center that can absorb this minor change. All work is proposed on existing impervious surfaces and will not affect grading or runoff.

C. Building Design.

- 1. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.**
- 2. The selection and application of materials will promote proper maintenance and quality appearances over time.**
- 3. The architectural design reflects a consistent theme and design approach. Specifically, the scale, proportion, forms and features, and selection and allocation of materials reflect a coordinated, unified whole.**
- 4. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, the scale, proportion, forms and features, and materials of adjacent buildings inform choices on the proposed building.**

The patio is expanding from just over 1,000 square feet to approximately 1,850 square feet, associated with a structural entry feature of the building. It is designed as an extension of the existing concrete sidewalk and near the main entry for the restaurant, and with the opportunity for seasonal plantings similar to the current arrangement. The existing railing around the area will be expanded and replaced with a railing compatible with the existing area. There will be no other changes that impact the appearance or design of the building.

D. Landscape Design.

- 1. The plan creates an attractive aesthetic environment and improves relationships to the streetscape and adjacent properties.**
- 2. The plan enhances the environmental and ecological functions of un-built portions of the site.**
- 3. The plan reduces the exposure and adverse impact of more intense activities or components of the site or building.**

All work is proposed within an existing common sidewalk/patio area that includes landscape amenities to complement the building. The expansion will fill in an existing landscape bed, but it is not significant to the overall appearance of the building and site.

Recommendation:

Staff recommends approval of the site plan for the expansion of an existing patio seating area.



CITY OF PRAIRIE VILLAGE
The Star of Kansas

App# 0024914
Cust# 000202

Planning Commission Application

For Office Use Only	
Case No.:	PC2021-103
Filing Fee:	100.00
Deposit:	500.00
Date Advertised:	
Date Notices Sent:	
Public Hearing Date:	

Please complete this form and return with
Information requested to:

Assistant City Administrator
City of Prairie Village
7700 Mission Rd.
Prairie Village, KS 66208

Applicant: Blue Moose Bar + Grill Phone Number: 913-722-9463
Address: 4160 W 71st PV, KS 66208 E-Mail: Enelson@kchopps.com
Owner: KC Hopps Restaurants - Ed Nelson Phone Number: 913-322-2440
Address: 9401 Reeds Road Overland Park KS Zip: 66207
Location of Property: 4160 W 71st PRAIRIE VILLAGE KS 66208
Legal Description: Blue Moose Prairie VILLAGE

Applicant requests consideration of the following: (Describe proposal/request in detail) OUTDOOR PATIO EXPANSION

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for _____.

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

Applicant's Signature/Date

Owner's Signature/Date

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NUMBER:

GENERAL NOTES

- ALL CONCRETE MATERIALS AND FABRICATION SHALL BE IN ACCORDANCE WITH THE AMERICAN CONCRETE INSTITUTE *HANDBOOK OF STANDARD PRACTICE*, CURRENT EDITION.
- CONCRETE MIX SHALL BE AIR ENTRAINED AND PRODUCE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3750 PSI. CONCRETE MIX DESIGN AND CYLINDER TEST RESULTS MAY BE SUBMITTED TO THE ENGINEER FOR REVIEW. WATER CEMENT RATIO AT TIME OF PLACEMENT IS NOT TO EXCEED .48. HIGH RANGE WATER REDUCER MAY BE USED WITH APPROVAL.
- MINIMUM CONCRETE COVER OVER REINFORCING STEEL IS 2 1/2" FROM EXPOSED EARTH OR AS OTHERWISE SHOWN ON DRAWING AND MUST BE CONTROLLED FOR DESIGN COMPLIANCE.
- ALL REINFORCING STEEL SHALL BE DEFORMED BARS CONFORMING TO ASTM A615, GRADE 40.
- PREFERRED CEMENT IS SULFATE RESISTANT CONFORMING TO ASTM C150. ALL EXPOSED CONCRETE SHALL BE AIR ENTRAINED. ONLY ONE BRAND AND SOURCE OF CEMENT SHALL BE USED.
- FLATWORK CRACK CONTROL JOINTS ARE TO BE PROVIDED AT INTERVALS NOT TO EXCEED 8 FEET IN ANY DIRECTION. COLD JOINTS ARE NOT PERMITTED IN THIS DESIGN. IF POUR MUST BE STOPPED CONTACT THE ENGINEER FOR STOPPING POINT.
- EXPOSED FLAT WORK CONCRETE SHALL BE CURED USING A CURING COMPOUND OF THE LIQUID MEMBRANE TYPE. CURING COMPOUND MUST BE APPLIED BY SPRAY IMMEDIATELY AFTER THE DISAPPEARANCE OF THE WATER SHEEN AND FINAL FINISHING OF CONCRETE. CURING COMPOUNDS SHALL CONFORM TO ASTM C309.
- UNLESS OTHERWISE SHOWN SLAB-ON-GRADE IS 4" THICK WITH 6 X 6 10/10 HIGHWAY MAT LOCATED MIDHEIGHT. POURS SHALL BE CAST AGAINST HEAVY MIL POLY WITH 4" TO 6" OF CRUSHED STONE UNDERNEATH. EARTH BENEATH ALL FLATWORK SHALL BE COMPACTED TO 95% PROCTOR DENSITY OR EQUIVALENT MEASUREMENT AT THE OWNER'S DISCRETION.
- REINFORCING STEEL BARS MUST BE LAPPED A MINIMUM OF 30 BAR DIAMETERS OR AS SPECIFIED BY THE ACI CODE, WHICHEVER CONTROLS. DO NOT LAP ADJACENT BARS AT THE SAME LOCATION. STAGGER BY AT LEAST 60 DIAMETERS.
- PERIMETER FOOTING AND SLAB MAY HAVE AN OPTIONAL BLOCKOUT OF 1 1/2" BY 1 1/2" ALL AROUND THE EXTERIOR TO PROVIDE A RAIN LIP FOR SIDING.
- ONE INCH THICK STYROFOAM INSULATION MAY BE PLACED ATOP THE GRAVEL AND AGAINST THE INSIDE FOOTING SURFACE AS A WEATHER BARRIER.
- INTERIOR BEARING WALLS AND COLUMNS SHALL BE ISOLATED FROM SLAB ON GRADE FLOOR.
- FOUNDATION WALLS ENCLOSING BASEMENTS OR OTHER HABITABLE SPACE SHALL BE DAMP-PROOFED PER *IRC SECTION R406* - WHERE A HIGH WATER TABLE OR OTHER SEVERE WATER CONDITIONS EXIST THE WALLS SHALL BE WATERPROOFED.
- PROVIDE A MINIMUM 4-INCH PERFORATED DRAIN AROUND USABLE SPACE BELOW GRADE OR OTHER EQUIVALENT MATERIALS PER *IRC SECTION 405.1*. THE PIPE SHALL BE COVERED WITH NOT LESS THAN 6 INCHES OF WASHED GRAVEL OR CRUSHED ROCK. THE DRAIN SHALL DAYLIGHT TO THE EXTERIOR BELOW THE FLOOR LEVEL OR TERMINATE IN A MINIMUM 20-GALLON SUMP PIT.

FOOTING AND COLUMN SCHEDULE						
SIZE		REINFORCEMENT		COLUMN		
WIDT H	DEPT H	NO	SIZE AND SPACING	TYP E	DESCRIPTION	MAXIMUM BEARING CAPACITY
24X24	8	3	#4 BARS EA. WAY	A	TYPE A - 3" O.D.	8,000#
30X30	12	3	#4 BARS EA. WAY	A	11 GAUGE	12,500#
36X36	12	4	#4 BARS EA. WAY	B C	TYPE B - 3" SCH 40	18,000#
42X42	12	5	#4 BARS EA. WAY	B	TYPE C - 3-1/2" O.D. 11 GAUGE	24,500#
48X48	12	6	#4 BARS EA. WAY	B		32,000#

- FOOTINGS SHALL EXTEND BELOW THE FROST LINE; MINIMUM DEPTH 36 INCHES BELOW GRADE.
- FOOTINGS SHALL BE A MINIMUM OF 16 INCHES WIDE AND 8 INCHES DEEP WITH 2-#4 BARS CONTINUOUS.
- INTERIOR NON-BEARING WALLS, OTHER THAN THOSE RESTING DIRECTLY ON THE FOOTING, SHALL BE ISOLATED FROM THE FLOOR FRAMING ABOVE.
- AT WALKOUT FOUNDATION AREAS, REINFORCE THE SLAB FROM THE FOUNDATION WALL TO 2 FEET BEYOND THE OVERDIG AREA WITH #4 BARS AT 24 INCHES O.C. PERPENDICULAR AND HORIZONTAL TO THE WALL; MAXIMUM 4-FOOT OVERDIG.
- AT WALKOUTS THE FOUNDATION WALL SHALL BE INSULATED WITH A MINIMUM R-6 INSULATION FOR A MINIMUM OF 3 FEET BELOW THE BOTTOM OF THE SLAB.
- ANCHOR BOLTS - MINIMUM 1/2-INCH ANCHOR BOLTS WITH 7" EMBEDMENT AT MAXIMUM 3 FEET O.C. AND WITHIN 12 INCHES OF THE END OF EACH SILL PLATE.
- WHERE FLOOR JOISTS ARE PARALLEL TO THE FOUNDATION WALL, THE WALL SHALL BE SUPPORTED LATERALLY AT THE TOP BY SOLID BLOCKING FOR A MINIMUM OF TWO JOIST SPACES, SPACED NOT MORE THAN 4 FEET O.C.
- PROVIDE A SECONDARY MEANS OF EGRESS TO THE EXTERIOR FROM BASEMENTS (EGRESS WINDOW OR DOOR) FOUNDATION WINDOW WELLS FOR SECONDARY MEANS OF EGRESS SHALL PROVIDE A MINIMUM 3' X 3' HORIZONTAL AREA.

NOTICE DUTY OF COOPERATION

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GENERAL NOTE:

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL TAKE PRECEDENT OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE DESIGNER MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS PRIOR TO ANY CONSTRUCTION.



A NEW OUTDOOR CONCRETE PATIO FOR:

BLUE MOOSE

4160 W. 71ST STREET PRAIRIE VILLAGE KANSAS 66208

ELEVATIONS

REV-01: 05.26.2020

studio 605

8604 SAGAMORE / LEAWOOD KS. 66208 / 512.423.9340
W W W . S T U D I O 6 0 5 . C O M

DATE: 01/08/2021

DRAWN BY: JMS

SHEET

A-2

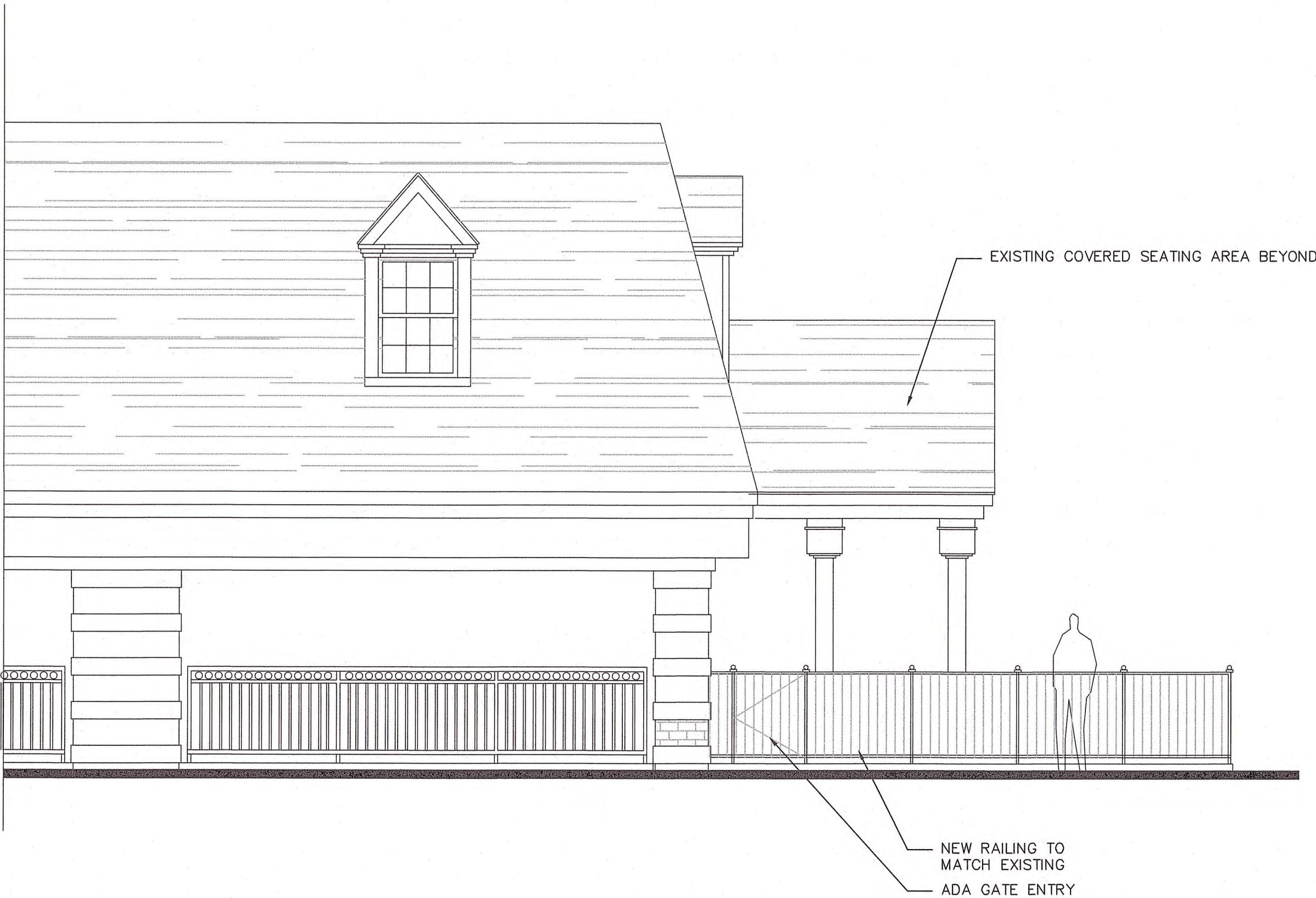
OF SHEETS

JOB NUMBER:



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1 SIDE ELEVATION
1/4"=1'-0"



1 FRONT ELEVATION
1/4"=1'-0"



FOR REVIEW
NOT FOR CONSTRUCTION

A NEW OUTDOOR CONCRETE PATIO FOR:
BLUE MOOSE
4160 W. 71ST STREET PRAIRIE VILLAGE KANSAS 66208

ELEVATIONS

REV:	studio 605 8604 SAGAMORE / LEAWOOD KS. 66208 / 512.423.9340 W W W . S T U D I O 6 0 5 . C O M	SHEET A-3 OF SHEETS
DATE: 01/16/2021	DRAWN BY: JMS	JOB NUMBER:



NOTICE DUTY OF COOPERATION

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FOR REVIEW
NOT FOR CONSTRUCTION

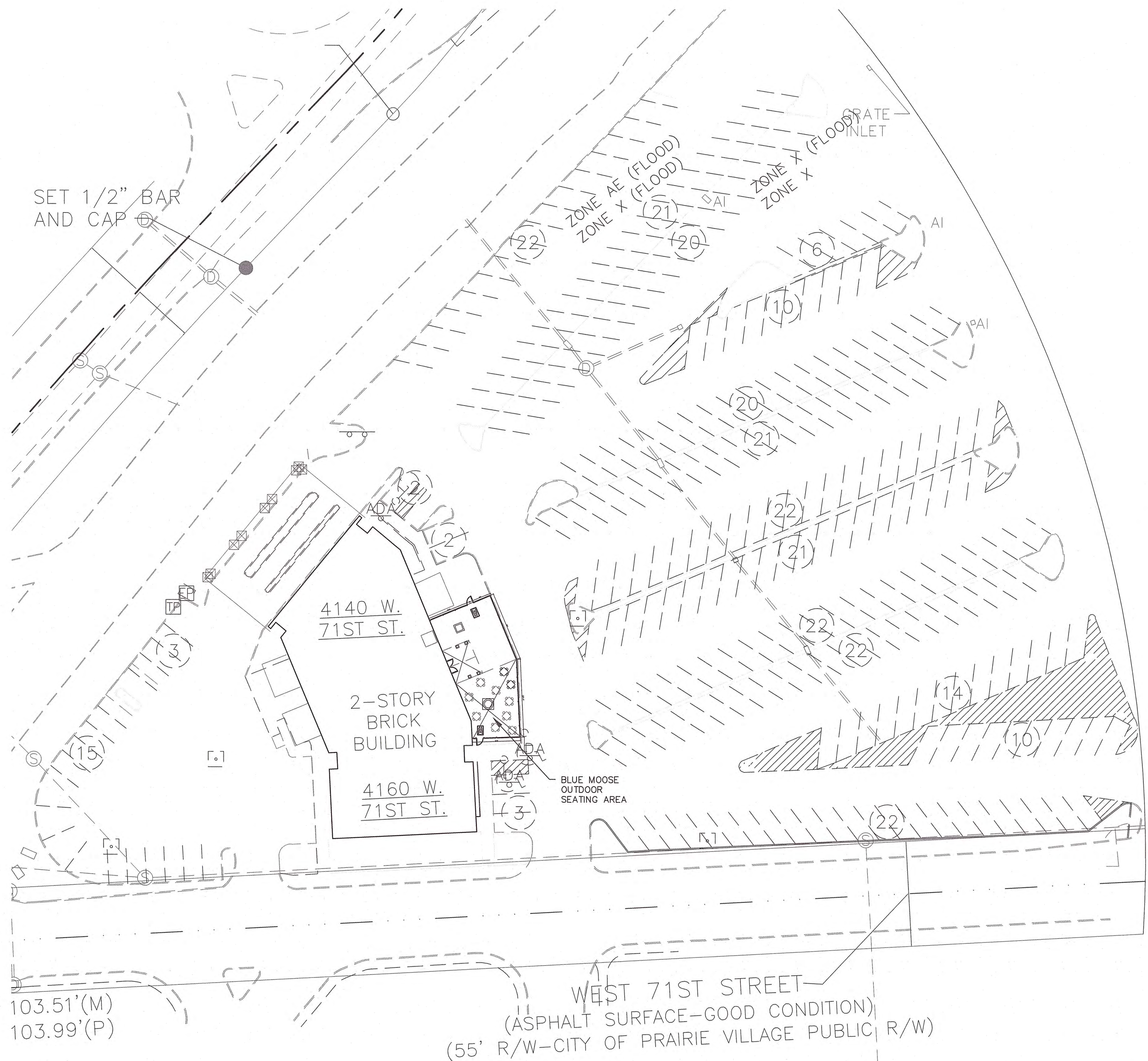
A NEW OUTDOOR CONCRETE PATIO FOR:

BLUE MOOSE

4160 W. 71ST STREET PRAIRIE VILLAGE KANSAS 66208

ADA - REFERENCE

DATE: 01/15/2021	DRAWN BY: JMS	SHEET ADA	8604 SAGAMORE / LEAWOOD KS. 66208 / 512.423.8340 W W S T U D I O 6 0 5 . C O M	SHEETS OF



SET 1/2" BAR
AND CAP

4140 W.
71ST ST.

2-STORY
BRICK
BUILDING

4160 W.
71ST ST.

BLUE MOOSE
OUTDOOR
SEATING AREA

WEST 71ST STREET
(ASPHALT SURFACE-GOOD CONDITION)
(55' R/W-CITY OF PRAIRIE VILLAGE PUBLIC R/W)

103.51'(M)
103.99'(P)

FOR REVIEW
NOT FOR CONSTRUCTION

CODE COMPLIANCE

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Plumbing Code
- 2012 International Mechanical Code
- 2012 International Fuel Gas Code
- 2011 NFPA 70; National Electrical Code
- 2012 International Fire Code
- 2012 International Property Maintenance Code
- 2012 International Energy Conservation Code

1 SITE PLAN
1"=10'-0"

NOTICE DUTY OF COOPERATION

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GENERAL NOTES

- GLASS: PROVIDE TEMPERED GLASS IN THE FOLLOWING LOCATIONS: ALL SLIDING AND SWINGING DOORS, SHOWER ENCLOSURES, WINDOWS WITHIN 24" OF A SWINGING DOOR, AND ALL WINDOWS OVER 9 SQ.FT. WITH THE BOTTOM EDGE LESS THAN 18" FROM FLOOR.
- SMOKE DETECTORS: INSTALL IN EACH SLEEPING ROOM AND AT A POINT CENTRALLY LOCATED IN CORRIDORS. AT LEAST ONE DETECTOR SHALL BE INSTALLED ON EACH STORY AND IN THE BASEMENT.
- INSULATION: WALL INSULATION SHALL BE 6" FIBERGLASS (R-19). CEILING INSULATION SHALL BE R-38 BLOWN INSULATION OR 9 1/2" BATT (R-30) AT VAULTED CEILING AREAS. CRAWLSPACE TO RECEIVE EXPANDING FOAM (R-38)
- SOIL PRESSURE: 2,000 PSF.
- ATTIC VENTILATION: PROVIDE VENTILATION IN ALL ATTIC AREAS. THE NET FREE AREA SHALL BE NOT LESS THAN (1) SQ.FT. FOR EACH 150 SQ.FT. OF ATTIC AREA. THE VENT AREA MAY BE 1/300 IF AT LEAST 50% OF THE REQUIRED VENTILATING AREA IS PROVIDED BY VENTILATORS LOCATED IN THE UPPER PORTION OF THE ATTIC.
- ALL DECKS OVER 30" ABOVE SURROUNDING GRADE AND ALL BALCONIES HAVE BEEN DESIGNED TO WITHSTAND A 60 LB./SQ.FT. LIVE LOAD. GUARDRAILS SHALL BE A MIN. OF 36" HIGH WITH INTERMEDIATE MEMBERS TO BE SPACED AT NOT MORE THAN 4".
- FASCIA BOARD: 2x SMARTBOARD TRIM (DIMENSIONAL 1 1/4").
- FLASH AND COUNTERFLASH ROOF EDGES AND VALLEYS, ROOF PENETRATIONS, CHANGES IN ROOF PITCHES, RAKES, CHIMNEY BASES, WINDOW AND DOOR HEADS, ETC. TO PROVIDE WATERTIGHT CLOSURES. ALL EXPOSED FLASHING TO BE 26 GA. ALUMINUM. COUNTERFLASHING SHALL BE FABRICATED FROM 40# TERNE METAL.
- GUTTERS: 26 GA. ALUMINUM, 5" OGEE STYLE. DOWNSPOUTS: 26 GA. ALUMINUM, 3"x4". OWNER OPTION: COPPER.
- ALL WORK PERFORMED SHALL STRICTLY CONFORM TO THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE (IRC) AND ANY REGULATIONS PER THE CITY OF PRAIRIE VILLAGE, KANSAS.

ABBREVIATIONS

A.F.F.	above finished floor	MIN.	minimum
C.C.A.	chromated copper arsenate	MICRO.	microwave
C.J.	control joint	M.O.	masonry opening
C.L.	center line	N.I.C.	not in contract
C.G.	ceiling	NO.	number
C.M.U.	concrete masonry unit	NOM.	nominal
C.O.	cased opening	N.T.S.	not to scale
CONC.	concrete	O.C.	on center
CONT.	continuous	O.D.	outside diameter
C.T.	ceramic tile	O.H.	overhead/overhung
D.	dryer	OPP.	opposite
D.H.	double-hung	PR.	pair
DIA.	diameter	P.S.I.	pounds square inch
DN.	down	P.S.F.	pounds square foot
D.S.	downspout	R.	riser
D.W.	dishwasher	RE.	refer (to)
E.A.	each	REQ'D.	required
E.I.F.S.	exterior insulation finish system ("DRY-VIT")	REF.	refrigerator
E.J.	expansion joint	RM.	room
ELEV.	elevation	R.O.	rough opening
EQ.	equal	S.C.	solid core
E.W.	each way	S.D.	smoke detector
F.B.O.	furnished by owner	S.F.	square feet
F.D.	floor drain	SIM.	similar
F.O.C.	face of concrete	SO.	square
F.O.S.	face of stud	S.S.	stainless steel
F.R.	fire-retardant	STD.	standard
GA.	gauge	T.	tread
GALV.	galvanized	T.C.	trash compactor
GYP. BD.	gypsum board	T.O.B.	top of beam (steel)
H.B.	hose bibb	T.O.C.	top of concrete
H.C.	hollow core	T.O.W.	top of wall
H.M.	hollow metal	T.V.	television
HT.	height	TYP.	typical
I.D.	inside diameter	U.N.O.	unless noted otherwise
JT.	joint	W.	washer
K.S.	knee space	W/	with
LAV.	lavatory	W.I.C.	walk-in closet
LB(#)	pound	W.H.	water heater
L.V.L.	laminated veneer lumber	W.R.	water resistant
MAX.	maximum	W.W.F.	welded wire fabric
MECH.	mechanical	1ST	first
MFR.	manufacturer	2ND	second

DRAWING SCHEDULE:

SP-1	SITE PLAN, GENERAL PROJECT INFO.
A-1	FOUNDATION PLAN
A-2	FLOOR PLAN
A-3	EXTERIOR ELEVATIONS
A-4	ADA REFERENCE PLAN

A NEW OUTDOOR CONCRETE PATIO FOR:

BLUE MOOSE

4160 W. 71ST STREET PRAIRIE VILLAGE KANSAS 66208

SITE PLAN

REV:	studio 605	SHEET
	8604 SAGAMORE / LEAWOOD KS. 66206 / 512.423.9340	SP-1
	W W W S T U D I O 6 0 5 C O M	OF SHEETS
DATE: 01/19/21		
DRAWN BY: JMS		JOB NUMBER:

From: Darci Kelley <dkelley@kchopps.com>
Sent: Tuesday, February 23, 2021 2:22 PM
To: Adam Geffert <ageffert@pvkansas.com>
Subject: RE: Planning Commission Application - Blue Moose

Hello Adam

I am so sorry for my delay. Crazy trying to catch up after an unplanned 2 weeks off work 😊

- Attached is the letter I mailed out to all 27 neighbors on the list you provided.
- Letters were mailed on Thursday, January 28th
- I was just told we only ONE attendee at the meeting on February 11th
- This person made no comment and/or had any questions concerns
- I have asked for the name of the one attendee – unfortunately I do not think anyone took down the name

Please let me know if you need any additional information!
Have a great day.

DARCI KELLEY, Executive Assistant

KC HOPPS

📞 (913) 322-2440 x.203



January 27, 2021

BLUE MOOSE RESTAURANT AND BAR PRAIRIE VILLAGE

4160 W 71st St

Prairie Village, KS 66208

Dear Property Owner:

RE: Site Plan Approval for Patio Expansion at 4160 w 71st

Blue Moose Restaurant and Bar has filed an application with the Prairie Village Planning Commission for site plan approval to expand the outdoor patio area located at 4160 W 71st Street. The application will be heard by the Planning Commission on Tuesday, March 2nd in the Council Chambers of the Municipal Building.

You are invited to attend an informal neighborhood meeting on Thursday, February 11th 2021 at 6:00pm at the Blue Moose Restaurant and Bar located at 4160 W 71st Street. We will present our plans for the expansion and you will have the opportunity to ask questions. If you cannot attend and have questions, please contact Ed Nelson at Enelson@kchopps.com.

Sincerely,

Ed Nelson

KC Hopps Restaurants, Inc

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: March 2, 2021, Planning Commission Meeting

Application: PC 2021-105

Request: Conditional Use Permit – food trailer and patio

Action: *A Conditional Use Permit requires the Planning Commission to evaluate the facts and circumstances of a specific request, and if those facts meet the criteria necessary for approval, the Planning Commission may approve the permit*

Property Address: 4901 Meadowbrook Parkway

Applicant / Owner: Van Trust Real Estate, LLC, Justin Duff / KCH MB INN 54 LLC

Current Zoning and Land Use: MXD Mixed-use District

Surrounding Zoning and Land Use: **North:** R-1A Single-family Residential District – park (Meadowbrook Park).
East: MXD – Mixed Use District – residential (The Kessler apartments)
South: MXD – Mixed Use District – residential (detached houses)
West: R-1A Single-family Residential District - park

Legal Description: MEADOWBROOK PARK LOT 54

Property Area: 2.91 acres (126,906.27 sq. ft.)

Related Case Files: n/a

Attachments: Application, site plan and conceptual drawings

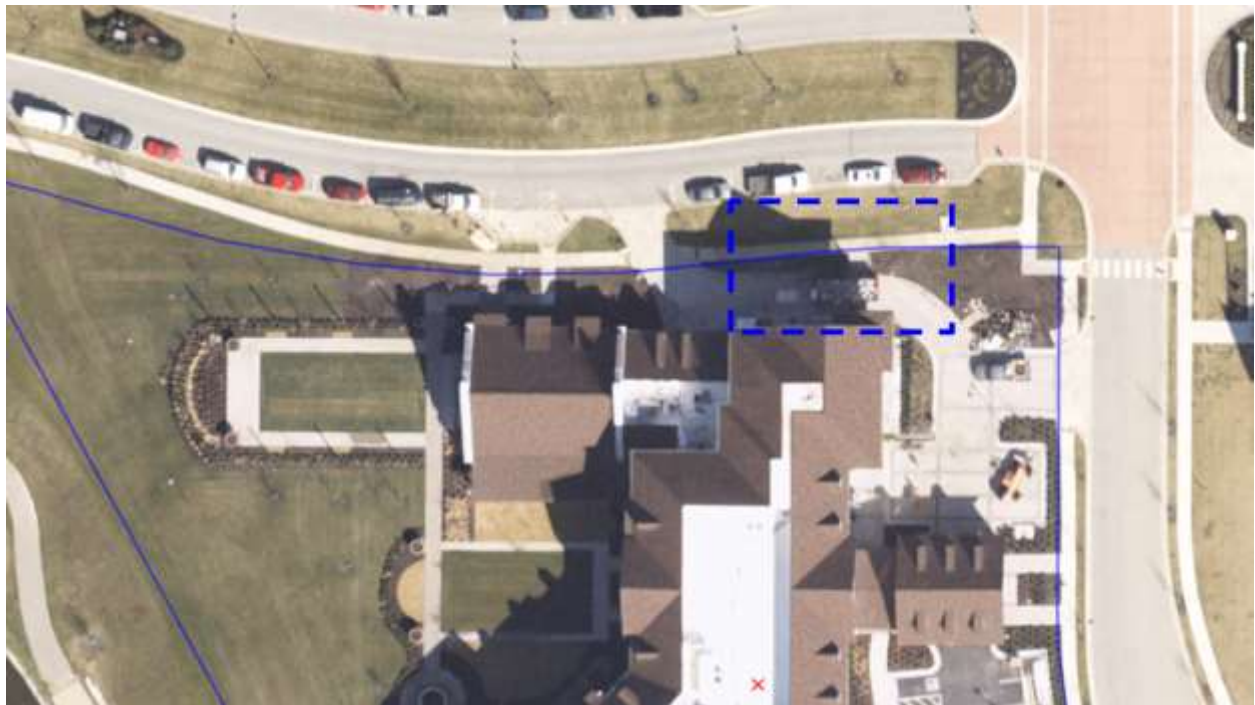
General Location Map



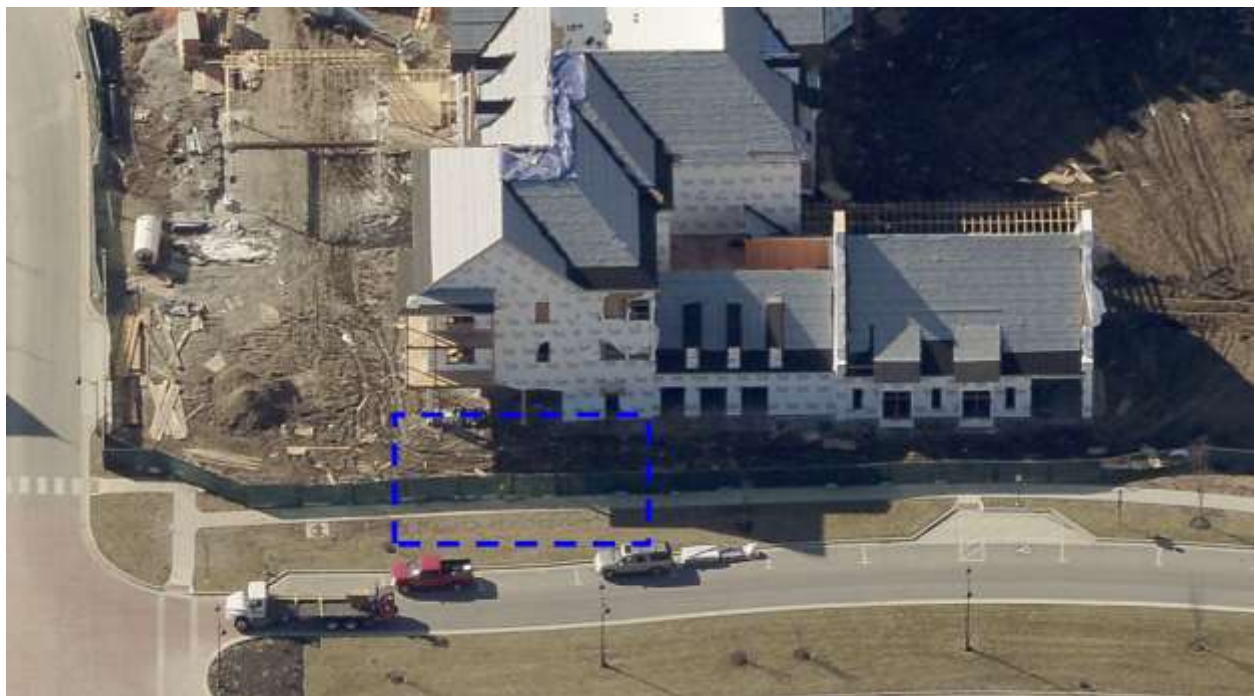
Aerial Map



Site



Street View



Bird's eye view

Background:

The applicant is requesting site plan approval to locate a food trailer and patio seating area on a portion of a current service drive off Meadowbrook Parkway. The facilities are on the Meadowbrook Inn property on the north side of the building, across from Meadowbrook Park. The patio seating area would be placed on top of the existing paved service drive, with a slight expansion into the landscape area connecting the patio to the sidewalk on Meadowbrook Parkway. The food trailer and patio seating require a Conditional Use Permit. [Zoning Ordinance, Section 19.30.050.A].

The applicant held a neighborhood meeting on February 22, 2021, in accordance with the Prairie Village Citizen Participation Policy. The applicant has provided background on that meeting to supplement the application.

Zoning Requirements:

The property is zoned MXD Mixed Use District and is subject to the Master Plan for Meadowbrook Park, approved by the Planning Commission and City Council in 2016. Final approvals and design was approved through and a series of final development plans. The MXD District and Meadowbrook Vision and Final Development Plan do not specifically address the proposed activity. The food trailer and patio will be operated in conjunction with the primary use of the property as an inn and restaurant; however, the format and operations ("food trailer") expand beyond a typical "accessory use" permitted incidental to other uses. Additionally, the Prairie Village zoning ordinance has several different provisions related to thresholds of outdoor commercial activity – none of which are directly applicable to this instance. Therefore, staff interprets this proposal as a "temporary use of land for commercial or industrial purposes," which require a Conditional Use Permit [Zoning Ordinance, Section 19.30.050.A]. This is the most applicable enabling provision in the ordinance, despite that the applicant is not proposing a limited time frame and site investment is being made to facilitate the proposed activity for an unlimited duration. However, the nature of the site and the proposed design could easily be converted back to the current function and condition if this portion of the site were no longer used as intended, or in the event that activities associated with the application caused unanticipated impacts. Therefore, staff's interpretation of the ordinance is that the conditional use process and criteria are most appropriate for this application.

Conditional Use Permit Criteria:

According to Section 19.30.030 of the Prairie Village Zoning Regulations, the Planning Commission shall consider the following factors to review a conditional use permit.

A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations;

The proposed site and principal building is being constructed according to standards and criteria of the MXD district and the Meadowbrook Vision and Final Development Plan. Generally, the site complies with all standards associated with these regulations. The conditional use permit is proposing additional construction of a patio area that is not included in the plan, but it complies with all other applicable standards of the zoning ordinance for similar facilities. Food services would be operated out of a trailer – although not a "structure" it is being located in a manner consistent with accessory building standards that would otherwise apply where this a permanent accessory structure.

B. The proposed conditional use meets any specific standards or limitations for the particular use listed in this ordinance.

Outdoor sales and service areas are generally allowed for any permitted non-residential use under the zoning ordinance as follows:

- 1. Accessory to the permitted use – if it is customarily incidental to an otherwise allowed use it may be permitted.*
 - 2. Limited sales and services through conditional use permits subject to restrictions on duration of outdoor activities.*
 - 3. Outdoor merchandise and storage areas limited to 20% of principle building (C-2 zoning district only, but relevant to this application for comparison).*
-

4. *Anything beyond these options requires a Special Use Permit, and is only allowed in the C-2 district.*

In utilizing these base zoning district standards for applicability in the MXD district, the use meets either of the first three options, and should be a permitted use under the activity. Since the format of the operation ("temporary trailer"), requires a conditional use permit for other reasons, the use for outdoor sales and services may be joined with this conditional review.

C. The proposed conditional use meets all of the site plan review criteria in 19.32.030.

The proposed application meets all site plan review criteria, as indicated below.

D. The proposed conditional use at the specified location is adequately planned, designed, located, and limited to not cause any impacts on the character of the area, the public streetscape, or adjacent property, different from any other permitted use.

This corner is planned and designed to be a highly active and visible location. It is a transition between the park and the mixed-use portion of Meadowbrook Village, and located along the signature street in the development – Meadowbrook Parkway. Conversion of an otherwise underutilized service area to a more active and pedestrian oriented activity is consistent with the plan and design intent. The specific site plan reflects a level of design that will make this an enhancement to both the specific location and the overall plan for the general area.

E. In meeting these criteria, the Planning Commission may place additional conditions that it deems appropriate to ensure that the criteria are met based on the particular context, site, or plan.

See staff recommendations below.

Site Plan Criteria:

The applicant has provided a site plan and conceptual sketches in association with the Conditional Use Application, and the site plan review criteria are as follows [Prairie Village Zoning Ordinance, Section 19.32.030].

A. Generally.

1. **The plan meets all applicable standards**
2. **The plan implements any specific principles or policies of the comprehensive plan that are applicable to the area or specific project.**
3. **The plan does not present any other apparent risks to the public health, safety, or welfare of the community.**

The proposed site plan meets these criteria, which are more fully addressed under criteria A. and B. for the conditional use permit above.

B. Site Design and Engineering.

1. **The plan provides safe and easy access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle and pedestrian needs.**
2. **The plan provides or has existing capacity for utilities to serve the proposed development.**
3. **The plan provides adequate stormwater runoff.**
4. **The plan provides proper grading considering the prevailing grades and the relationship of adjacent uses.**

There is no change to the primary access and circulation for the site. This application will convert a portion of the service access to a different use. However, the site will retain sufficient service access at this location, and only the portion that is underutilized and not needed will be converted to a different use. All other utility, drainage and grading needs have been addressed through the larger planning and development review for the principal building and use. The

applicant will be required to supplement the approved drainage plans with public works prior to construction, and any utility or service needs for the patio or the food trailer will also be reviewed in association with construction permits. Due to the location of the inn and restaurant in the context of the greater plan, the site has sufficient pedestrian access, vehicle access and parking (on- and off-site) to account for the proposed accessory activity on the site.

C. Building Design.

- 1. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.**
- 2. The selection and application of materials will promote proper maintenance and quality appearances over time.**
- 3. The architectural design reflects a consistent theme and design approach. Specifically, the scale, proportion, forms and features, and selection and allocation of materials reflect a coordinated, unified whole.**
- 4. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, the scale, proportion, forms and features, and materials of adjacent buildings inform choices on the proposed building.**

There is no permanent building associated with this application. The applicant is proposing to operate commercial services out of an air stream converted to a food trailer. While this particular design is not anticipated in the overall design themes of the buildings in the area, the air stream will be a minor accessory element on the site, and a smaller component of the overall plan. Further, the iconic nature of the air stream trailer and its integration with the formal landscape and hardscape patio being proposed make the plan compatible with the Vision Plan and Final Development Plan.

D. Landscape Design.

- 1. The plan creates an attractive aesthetic environment and improves relationships to the streetscape and adjacent properties.**
- 2. The plan enhances the environmental and ecological functions of un-built portions of the site.**
- 3. The plan reduces the exposure and adverse impact of more intense activities or components of the site or building.**

The specific location of the patio and food trailer is along Meadowbrook Parkway – a signature street in the development and a prominent frontage near the public park. Converting the service area to a more active and social space presents opportunities to improve the sites relation to the general area. The application proposes a decorative paver system placed on top of the existing drive with some minimal expansion into the landscape area between the sidewalk and the existing service drive. Movable planters are also proposed at regular intervals in the patio seating areas. Each of these strategies can help the site tie into the Meadowbrook Parkway streetscape plan, as an expansion of the pedestrian areas of the streetscape.

Recommendation:

Staff recommends approval the conditional use permit and site plan subject to the following conditions:

1. Prior to construction, all utility, drainage and grading permits shall be approved by Public Works, and any adjustments to prior approved plans shall be made if necessary.
2. A final landscape plan shall be submitted and approved by the City prior to construction permits, showing paver material specifications and movable planter designs. These materials shall tie into either the specific site design of the Inn or the overall streetscape design of Meadowbrook Park, or both.
3. The applicant shall locate waste receptacles and convenient locations, and be responsible for maintaining the site free of waste and debris, and otherwise in an orderly condition at all times.
4. Signs for the specific use of this area of the site shall be limited to those accessory to the trailer, either located on the trailer or portable pedestrian signs on private property and within 20 feet of the trailer – which shall be stored out of sight during non-operating hours.

5. No activities of facilities supporting the use shall be located on the public sidewalk, other than pedestrian movements associated with the use; design and location of specific seating, support facilities, and the trailer shall be configured in a way to keep the sidewalk clear of obstructions.



CITY OF PRAIRIE VILLAGE
The Star of Kansas

Cust# 018388
App# 0025011

Planning Commission Application

For Office Use Only	
Case No.:	2021-105
Filing Fee:	100.00
Deposit:	500.00
Date Advertised:	
Date Notices Sent:	
Public Hearing Date:	

Please complete this form and return with
Information requested to:

Assistant City Administrator
City of Prairie Village
7700 Mission Rd.
Prairie Village, KS 66208

Applicant: VanTrust Real Estate, LLC Phone Number: 816-569-1441

Address: 4900 Main Street Apt. 400, Kansas City, MO E-Mail Justin.Duff@vantrustre.com

Owner: KCH MB INN 54, LLC Phone Number: 816-569-1441

Address: 4900 Main Street Apt. 400, Kansas City, MO Zip: 64112

Location of Property: 4901 Meadowbrook Parkway

Legal Description: Lot 54, Meadowbrook Park, a platted subdivision in Prairie Village, Johnson County, Kansas.

Applicant requests consideration of the following: (Describe proposal/request in detail) Special Use Permit for Food Truck
CONDITIONAL

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for Food Truck at Meadowbrook Inn.

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

[Signature]
Applicant's Signature/Date

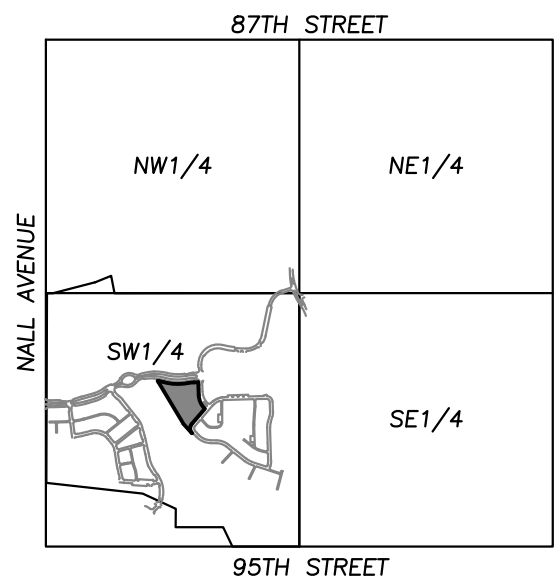
[Signature]
Owner's Signature/Date

\\PHILIPS-SERVER\Projects\1\10120\Draw\Site Plans\SITE.dwg Logon:1 Feb 19, 2021 - 1:28pm Mark Reasoner

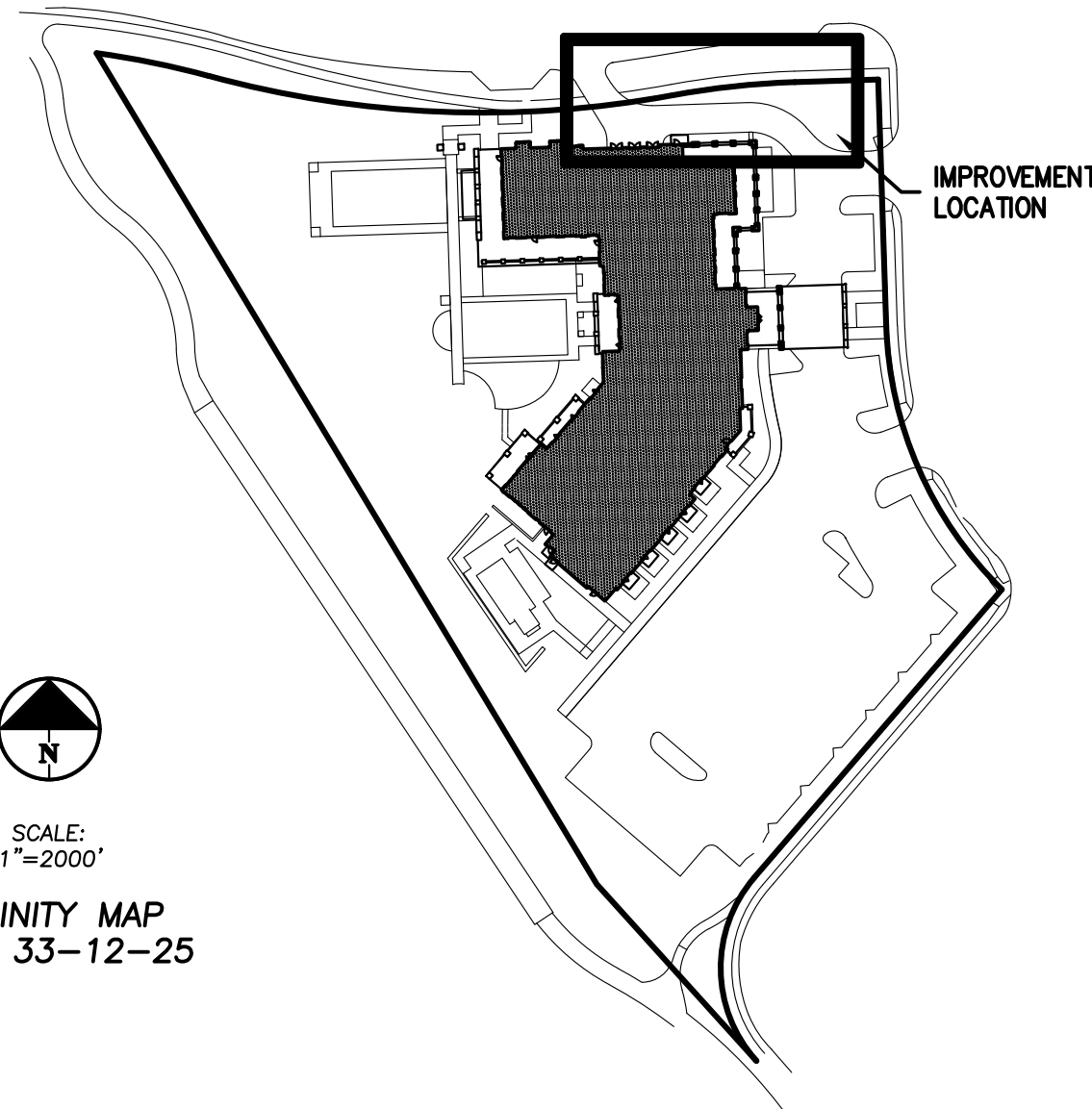


Know what's below.
Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.



SCALE:
1"=2000'
VICINITY MAP
SEC. 33-12-25



LEGEND	
— PL —	PROPERTY LINE
- - - LL - -	LOT LINE
- - - R/W - -	RIGHT-OF-WAY
=====	2' CURB & GUTTER
=====	6" CURB
— B/L —	BUILDING SETBACK LINE
— P/S —	PARKING SETBACK LINE
— L/S —	LANDSCAPE SETBACK LINE
[Pattern]	CONCRETE PAVEMENT
[Pattern]	PAVERS
[Pattern]	CONCRETE WALKWAY- STAMPED COLORED

SITE PLAN NOTES:

- All construction materials and procedures on this project shall conform to the latest revision of the following governing requirements, incorporated herein by reference:
A) City ordinances & O.S.H.A. Regulations.
B) The City of Prairie Village Technical Specifications and Municipal Code.
C) The Project Specifications.
- The contractor shall have one (1) signed copy of the plans (approved by the City) and one (1) copy of the appropriate Design and Construction Standards and Specifications at the job site at all times.
- The contractor will be responsible for securing all permits, bonds and insurance required by the contract documents, City of Prairie Village, Kansas, and all other governing agencies (including local, county, state and federal authorities) having jurisdiction over the work proposed by these construction documents. The cost for all permits, bonds and insurance shall be the contractors' responsibility and shall be included in the bid for the work.
- The contractor is responsible for coordination of his and his sub-contractor's work. The contractor shall assume all responsibility for protecting and maintaining his work during the construction period and between the various trades/sub-contractors constructing the work.
- The demolition and removal (or relocation) of existing pavement, curbs, structures, utilities, and all other features necessary to construct the proposed improvements, shall be performed by the contractor. All waste material removed during construction shall be disposed off the project site. The contractor shall be responsible for all permits for hauling and disposing of waste material. The disposal of waste material shall be in accordance with all local, state and federal regulations.
- Contractor shall be responsible for all relocations, including but not limited to, all utilities, storm drainage, sanitary sewer services, signs, traffic signals & poles, etc. as required. All work shall be in accordance with governing authorities specifications and shall be approved by such. All cost shall be included in base bid.
- All existing utilities indicated on the drawings are according to the best information available to the Engineer; however, all utilities actually existing may not be shown. The contractor shall be responsible for contacting all utility companies for an exact field location of each utility prior to any construction. All utilities, shown and unshown, damaged through the negligence of the contractor shall be repaired or replaced by the contractor at his expense.
- The contractor will be responsible for all damage to existing utilities, pavement, fences, structures and other features not designated for removal. The contractor shall repair all damages at his expense.
- The contractor shall verify the flow lines of all existing storm or sanitary sewer connections and utility crossings prior to the start of construction. Notify the engineer of any discrepancies.
- SAFETY NOTICE TO CONTRACTOR:** In accordance with generally accepted construction practices, the contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property during performance of the work. This requirement will apply continuously and not be limited to normal working hours. Any construction observation by the engineer of the contractor's performance is not intended to include review of the adequacy of the contractor's safety measures, in, on or near the construction site.
- Refer to the building plans for site lighting electrical requirements, including conduits, pole bases, pull boxes, etc.

SITE DIMENSION NOTES:

- BUILDING TIES SHOWN ARE TO THE OUTSIDE FACE OF PROPOSED WALLS. THE SUBCONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR SPECIFIC DIMENSIONS AND LAYOUT INFORMATION FOR THE BUILDINGS.
- ALL DIMENSIONS SHOWN FOR THE PARKING LOT AND CURBS ARE MEASURED FORM BACK OF CURB TO BACK OF CURB.

PROJECT NO.	210120	No.	Date	Revisions:	By	App.
DATE: 02-19-2021	DRAWN: MMR					
CHECKED: DEU	APPROVED: JDC					
CORPORATE SEAL OF AUTHORIZATION						
LAND SURVEYING - LS-62						
ENGINEERING - E-361						
CERTIFICATE OF AUTHORIZATION						
LAND SURVEYING - 2007001028						
ENGINEERING - 2007000028						

SHEET

1

SITE PLAN

FOOD TRAILER PATIO
THE INN AT MEADOWBROOK
4901 MEADOWBROOK PKWY, PRAIRIE VILLAGE, KANSAS

PHILIPS ENGINEERING, INC.
1370 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax: (913) 393-1145
www.philipsengineering.com

PLANNING
ENGINEERING
IMPLEMENTATION

PEI



The Inn at Meadowbrook – Food Trailer

Neighborhood Meeting

February 22, 2021 – Zoom meeting

The meeting started off with Justin Duff from Van Trust giving an overview of the site and the proposed plans for the food trailer and seating area. VanTrust wants it to be a polished look to complement the Inn. The trailer will not be visible from the homes in the Reserve. Justin presented the watercolor site plan for reference. The tan area on the site plan will be a mix of concrete and pavers. There is no name for the airstream trailer yet. String lights, tables (both 4 and 2 person) and planters will be added to the space. The hours are yet to be determined but will most likely run concurrent with the Market.

Julie Tushaus asked if there would be alcohol served. She is concerned about the problems that happened last year with people getting tickets for walking around with open containers. Justin was not aware of the issues from last summer but noted that if they do serve alcohol it will have to remain on the Inn property, not taken to the park or home. The liquor license guidelines will be followed.

Vickie Muehlebach joined the meeting. She did not have any concerns just wanted to listen in as she will be moving into the Twin Villas in The Reserve soon.

Justin gave a brief overview of what had already been discussed. Added that they are trying to bring more life to the park and add to the Inn's theme and amenities. This will add more opportunities for open space seating and social distancing.

Both Julie and Vickie stated that they don't have any problems with the proposed development, they just wanted more information and look forward to it being completed.

The projected completion for this project is early to mid-summer. The planning commission meeting will be March 2nd and hope to start construction soon after.

No further questions and everyone signed off.

Meadowbrook meeting attendees:

- Julie Tushaus – 9311 Juniper Reserve Drive
- Vickie Muehlebach – 9349 Cedar Reserve Drive