

**PLANNING COMMISSION MINUTES
MARCH 2, 2021**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, March 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

Mr. Breneman moved for the approval of the minutes of the February 2, 2021 regular Planning Commission meeting. Mrs. Wallerstein seconded the motion, which passed unanimously.

PUBLIC HEARINGS

PC2021-104 Consider approval of amendments to Chapter 19.46 of the zoning regulations to add tree protection requirements

Mr. Brewster provided background on the proposed ordinance. He noted that 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 Council directed staff 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 the ordinance for the Council and Planning Commission's consideration. Mr. Brewster stated the ordinance would apply to all right-of-way trees, site plans in which landscape standards applied, and residential teardowns, rebuilds, and rehabilitations.

Since the proposed ordinance would become a part of the landscape ordinance in Chapter 19.47 of the City's zoning regulations, public notice, a public hearing, and a recommendation from the Planning Commission prior to final adoption by the Governing Body was required. The draft ordinance was presented to the Tree Board in November and the Planning Commission and Environmental Committee in December for further review and input. Mr. Brewster said that the Planning Commission's recommendation

would next go to the City Council for final consideration at its March 15, 2021 meeting. If approved by the Council, the recommended effective date of the ordinance would be June 1, 2021.

Mrs. Wallerstein asked that it be clarified who the “Director” was, as listed in Table 19-47E regarding the approval of fences on lots less than 10,000 square feet. Ms. Robichaud stated it referred to the Public Works Director, and that the language in the final version of the ordinance would be adjusted.

Mr. Valentino asked whether the additional workload would be too much of a burden on Public Works staff. Ms. Robichaud said that the City Arborist’s maintenance duties would be reduced to give her more time to focus on tree evaluation.

Mr. Birkel expressed concern that the regulations could stifle redevelopment. He noted that many of the larger trees in the City could be near the end of their lives, and that the requirements for planting new trees were excessive.

Mr. Wolf opened the public hearing at 7:30 p.m.

Two members of the City’s Tree Board spoke in favor of the ordinance:

- Tree Board Chair Kevin Dunn, 8901 Catalina Drive
- Tree Board volunteer Frank Riott, 4411 W. 66th Terrace

With no one else present to speak, Mr. Wolf closed the public hearing at 7:39 p.m.

Mr. Valentino made a motion to approve the tree protection ordinance as presented. Mr. Breneman seconded the motion, which passed 6-1, with Mr. Birkel in opposition.

NON-PUBLIC HEARINGS

PC2021-103 Site Plan Approval for Exterior Patio Expansion
Blue Moose Bar and Grill
4160 W. 71st Street
Zoning: C-2
Applicant: Ed Nelson, KC Hopps

Mr. Brewster stated that the applicant was requesting site plan approval to expand an existing outside seating area from just over 1,000 square feet to approximately 1,850 square feet. He noted that outside patio seating was an allowed accessory use for restaurants subject to some scale limitations. Although the application met the allowed accessory use option due to the limited scale of the seating area, the expansion of the patio area into some of the existing parking spaces required site plan review according to the zoning standards. Mr. Brewster said that staff recommended approval of the site plan without conditions.

Applicant Ed Nelson, 8605 Mohawk Road, Leawood, Kansas, was present to speak on behalf of KC Hopps, the owner of the restaurant. He stated that the existing four curbside pickup spots would be moved out into the main parking lot due to the increased size of the patio. He added that patio space was necessary for the restaurant to survive during the pandemic.

Mr. Breneman made a motion to approve the site plan as presented. Mr. Birkel seconded the motion, which passed unanimously.

PC2021-105 Conditional Use Permit for Food Trailer at Meadowbrook Inn
4901 Meadowbrook Parkway
Zoning: MXD
Applicant: Justin Duff, VanTrust Real Estate, LLC

Prior to taking up the application, Mr. Wolf recused himself due to a conflict of interest and left the meeting. Vice-Chair James Breneman assumed control in his absence.

Mr. Brewster reported that the applicant was requesting site plan approval to install a food trailer and patio seating area on the north side of the Meadowbrook Inn property, 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.

Mr. Brewster added that the food trailer and patio would be operated in conjunction with the primary use of the property as an inn and restaurant; however, a food trailer exceeded a typical “accessory use” permit. Additionally, the zoning ordinance had several different provisions related to thresholds of outdoor commercial activity, none of which were directly applicable. Staff therefore interpreted the proposal as a “temporary use of land for commercial or industrial purposes,” requiring a Conditional Use Permit.

Staff recommended approval of the conditional use permit and site plan subject to the following condition:

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 at 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.

Mrs. Wallerstein asked if there would be a loss of parking if the trailer were installed. Mr. Brewster stated that there were currently no parking spaces in the existing location. Additionally, a large number of spaces were available on Meadowbrook Parkway.

Justin Duff, representing VanTrust Real Estate, 4900 Main Street, Kansas City, Missouri, and Doug Ubben, representing Phelps Engineering, 1270 N. Winchester Street, Olathe, Kansas, were present to discuss the application. Mr. Duff noted that permanent gas and electricity connections would be run to the trailer. Additionally, the trailer would not block site lines or access to either of the existing restaurants at the inn.

Mr. Birkel asked whether a grease trap would be located in the trailer or underground. Mr. Duff stated that the trailer would have its own trap and would not connect to any existing traps on the property.

Mrs. Wallerstein asked if any signage would be located on the trailer. Mr. Duff said a sign might be placed on top of the trailer, but no definitive decision had been made. Mr. Brewster added that signage could likely be handled through a normal sign permit, but anything more substantial would need to come back before the Commission.

Mrs. Wallerstein made a motion to approve the application as presented. Mr. Lenahan seconded the motion, which passed 6-0.

ADJOURNMENT

With no further business to come before the Commission, Vice-Chair Breneman adjourned the meeting at 8:16 p.m.

Adam Geffert
City Clerk/Planning Commission Secretary