



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: City Planning Commission
From: City Staff
Date: June 10, 2019
Re: Petition #SP-2019-65

GENERAL INFORMATION

Applicant:
Ciaran Molloy

Status of Applicant:
Owner
Woodyard
Southside Holding
LLC

Requested Action:
Request a Special Use Permit

Date of Application:
April 26, 2019

Purpose:
Obtain a Special Use Permit for hosting live music at a BBQ restaurant

Property Location:
3001 Merriam Lane



Commission Districts:

1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Angela Markley

Existing Zoning: M-2 General Industrial District

Existing Surrounding Zoning: North: CP-2 Planned General Business District; R-1 Single-Family District

South: M-2 General Industrial District

East: M-2 General Industrial District

West: M-2 General Industrial District

Existing Uses: **North:** Commercial business, storage space; single-family residences

South: Industrial space

East: Merriam Lane Apartments

West: Commercial businesses

Total Tract Size: 1.35 acres

Master Plan Designation: The City-Wide Master Plan designates this property Business Park

Major Street Plan: The Major Street Plan designates Merriam Lane as a Class C Thoroughfare.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019

Public Hearing: June 10, 2019

Public Opposition: None to Date

PROPOSAL

Detailed Outline of Requested Action: Obtain a Special Use Permit to host live acoustic music for entertainment on weekend nights in the summer. Music would be performed on an outside patio area at the applicant's BBQ restaurant. Performances are expected to run from about 8pm to 11pm.

City Ordinance Requirements: Article VIII Sections 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

Along Merriam Lane, the majority of the properties are zoned for industrial purposes. South of the property is solely industrial, but to the north and northwest there is a single-family residential neighborhood.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

This should not be an issue. Live music will not have an effect on industrial businesses, which will not be open during proposed entertainment hours. Live music could have an effect on the nearby residential properties, but Applicant has reassured the planning staff that the music will not be loud enough to disrupt nearby residents.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

Due to the live music outside, there is a possibility the nearby residents would be able to hear the music. If not properly controlled, the noise and music could disrupt the quiet enjoyment of local families.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

The type of restaurant allowed in business parks is the “supporting restaurant”, one that serves employees and customers of the nearby industrial businesses. Woodyard Bar-B-Que itself is the type of business that was anticipated in the “Business Park” designation by the Master Plan. Although live entertainment on weekend nights only has a small degree of conformance to the Master Plan., Woodyard Bar-B-Que’s daytime hours allow it to serve the local businesses during the lunch and dinner hours.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

By applying for a Special Use Permit to host live entertainment at his restaurant, applicant presumably wants to attract more customers. Unless all new customers carpool, more customers will lead to more cars and traffic. However, most businesses on Merriam Lane within a few blocks of the restaurant operate regular business hours, so they would be closed during the times that live entertainment would be performing. There is still a slight concern that increased traffic to the restaurant could detrimentally affect the residential neighbors, but the realized effects would be reassessed when the Special Use Permit comes up for renewal.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

Live music is not necessary for the convenience and welfare of the public, but when done well it is a nice touch to the dining experience. However, almost all adjoining properties are businesses that operate during typical 9-5 hours, so even loud music from 8-11 pm on weekend nights would not affect these businesses. It should be noted, however, that the live music should not be audible much beyond the patio area.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise is the greatest concern stemming from this particular Special Use Permit. The fact that applicant stated the music would be acoustic eases worries of excessive noise, but other conditions must be in place in order to ensure there are no problems for nearby properties.

9. *Whether the proposed use will pollute the air, land or water.*

This is not a concern.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not a concern.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

When properly fostered, incorporating live music to the restaurant experience could greatly promote the arts and music scene in Wyandotte County. There has been a recent trend of food establishments hosting live music performances on their premises, and the aggregate effect of these efforts is a community with greater access to the arts in everyday life. With reasonable restrictions in place, live acoustic music would benefit the community without substantially effecting nearby homes and businesses.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

Unless the live music nights cause lines out the door, this would not be a concern.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

Applicant held an on-site neighborhood meeting at 3001 Merriam Lane on May 27, 2019. According to Applicant's statement, no one attended the meeting and it was adjourned at 6:30 PM.

KEY ISSUES

Noise, space, entertainment license, parking

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

1. Who do you anticipate will be performing (e.g. solo artists, bands, local artists, music students, relatives, open mic performers, etc.)?

Applicant Response: Performers will be local musicians from KC Metro, no open mics or students etc.

2. Will live music performances be aided by any sound amplifiers (i.e. microphone, speakers, etc.)? What types and how many devices do you anticipate that there will be?

Applicant Response: Live performance will have a small PA system with Mics. Again this is really just to augment the sound, so it can be heard clearly in an outside venue. We will not, by any means be "blowing anybody out" (not what we want at all).

3. What are the dimensions of the stage/performance area?

Applicant Response: The stage is a low 1-foot stage, that is about 15 X 20 all wood, looks like a deck.

4. Is there a contingency plan in place for additional parking spaces in the event that live music nights become quite popular and attracts a large number of additional customers?

Applicant Response: We have in the past asked our neighbor to the East if we could use his big back lot for overflow and he is amenable to that. Again, I don't really see this being an issue with big crowds. These are small local acts.

5. Provide pictures of Woodyard Bar-B-Que, with particular focus on the outdoor patio area.

Applicant Response: Pictures of back patio attached.

6. Provide pictures or rendering of the stage/performance area.

Applicant Response: Pictures of stage attached.

7. Be sure to keep all performances acoustic, as per the application.

Applicant Response: All performances will not be strictly acoustic; I must have put that in app by mistake. However 80-90% will be. Any electric guitar, again, will be in the quiet style (think bluesy for example). Not the loud rock and roll, to which I think that you may be concerned about. This is going to be cool, laid back, good music. NOT loud blow your face off rock and roll. We want a laid back vibe to coincide with the nice setting and some good 'cue. I also don't want the type of crowd that would come with loud, rock and roll type music.

Staff Response: The amendment to the Special Use Permit has been noted. Not all performances will be acoustic.

8. Be sure to end all performances (including warmup and equipment testing) by 11 pm on Friday and Saturday. No performances are allowed Sunday through Thursday.

Applicant Response: All acts will be Fri and Sat and will all be done no later than 11:00, generally before that.

9. If approved, applicant will need to file and maintain current annual entertainment license.

Applicant Response: No direct response.

Staff Response: Applicant sent a thorough email responding to all other questions and comments. The email as a whole will be understood to be a response to and acceptance of all questions and comments.

10. Additional parking has been expanded in gravel without a permit; this must be improved to comply with City Code.

Applicant Response: We have added tons of gravel to back area for parking.

Staff Response: The issue with the additional gravel that has been used for parking is that it is not in compliance with City Code. Paving the gravel parking lot will be a stipulation of receiving the Special Use Permit.

11. Approval would be for two (2) years.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):

- 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition #SP-2019-65 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

Sketch of Property with Selected Dimensions
Outdoor Patio Distance to Closest Residence
Photos of Outdoor Patio and Stage

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	June 10, 2019	June 27, 2019
Special Use		

STAFF CONTACT: **Mike Farley**
mfarley@wycokck.org

MOTIONS

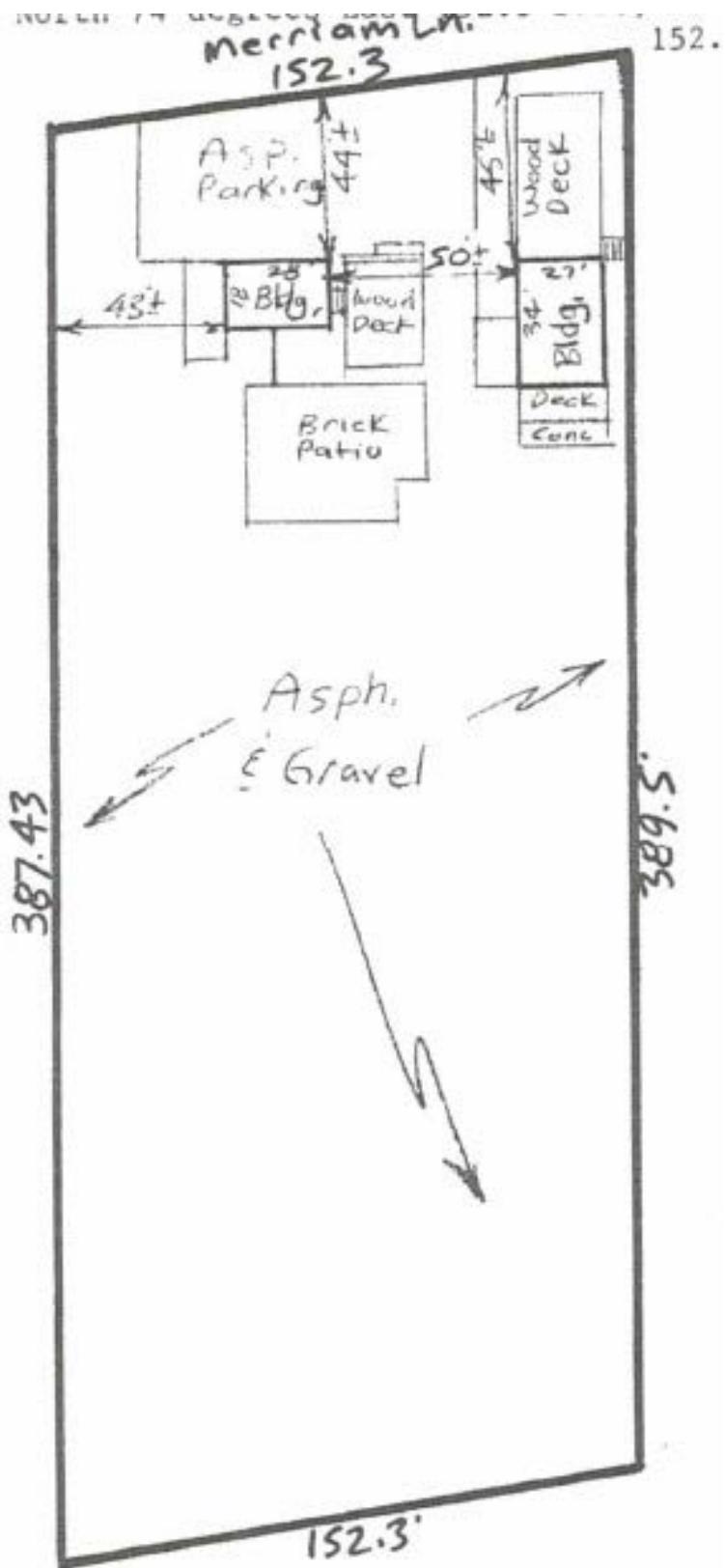
I move the Kansas City, Kansas City Planning Commission **RECOMMEND APPROVAL** of Petition #SP-2019-65 to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. _____;
2. _____; And
3. _____.

OR

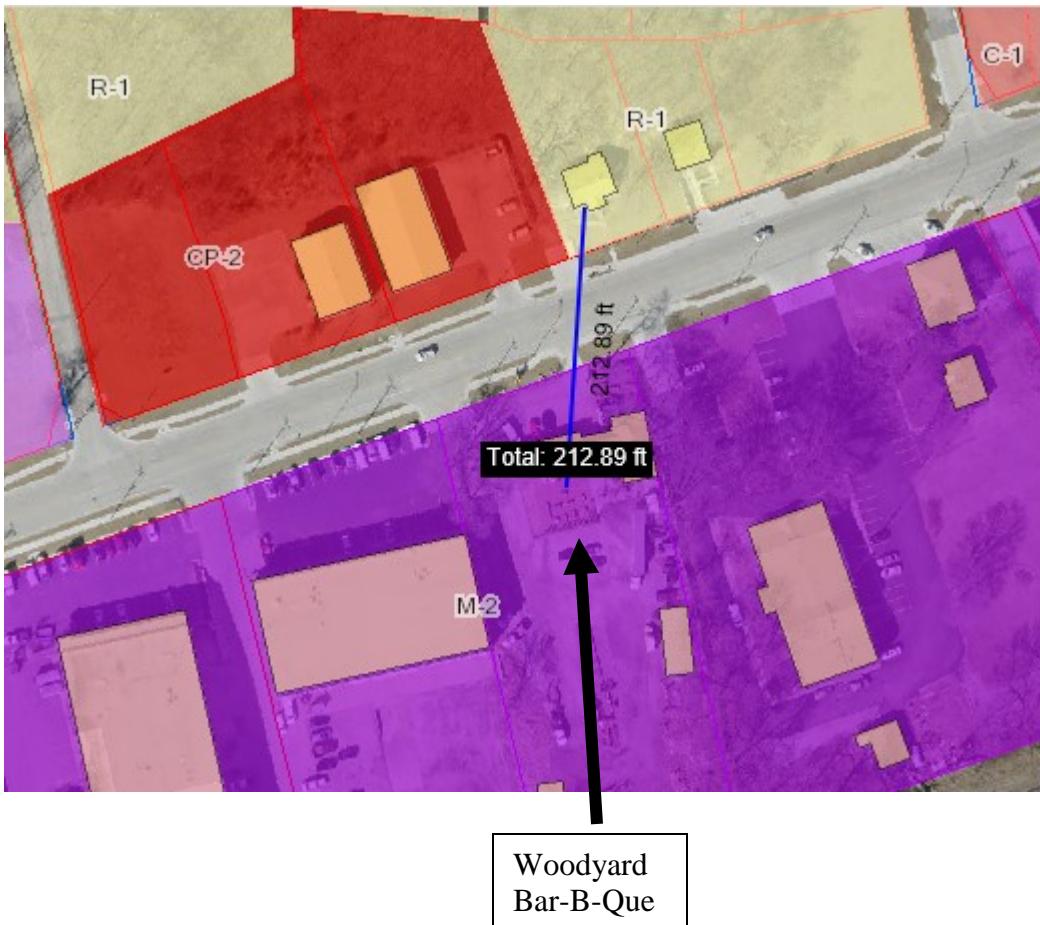
I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of Petition **#SP-2019-65**, to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Sketch of Property with Selected Dimensions

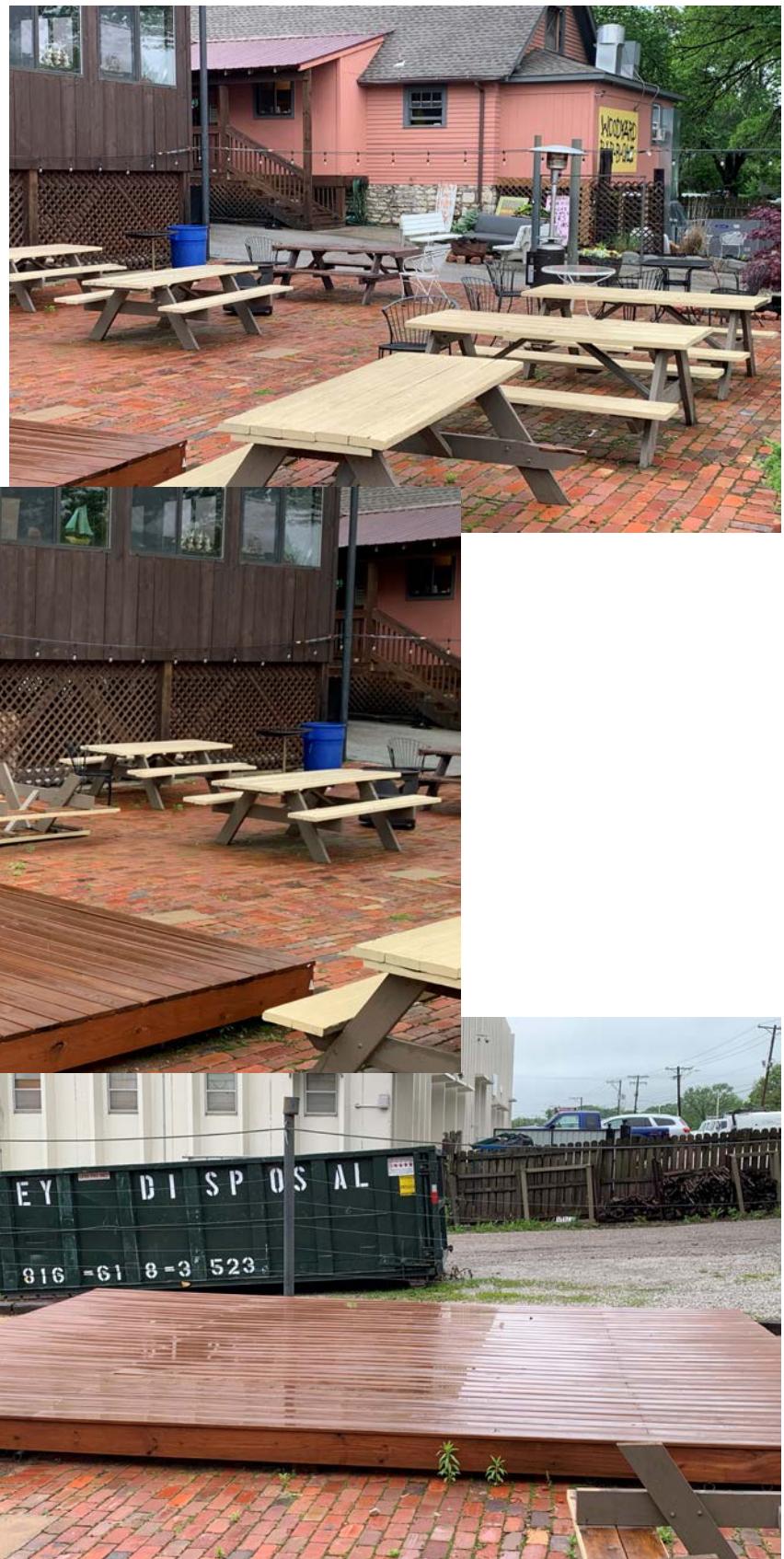


3001 Merriam Lane

Outdoor Patio Distance to Closest Residence



Photos of Outdoor Patio and Stage



Photos of Outdoor Patio and Stage, cont.

