

**City of Westwood, Kansas
Planning Commission Meeting
4700 Rainbow Boulevard
May 1, 2023 – 7:00 PM**

Commissioners Present: Kevin Breer, Vice Chair – joined remotely via Zoom
Clay Fulghum
Ann Holliday
Samantha Kaiser
David Kelman
Mark Neibling
Sarah Page, Chair
Matt Prout
M. Scott Weaver

Commissioners Absent: None

Staff Present: Leslie Herring, City Administrator
Spencer Low, Planning Commission Attorney
John Sullivan, Public Works Director
Eddie McNeil, Codes Administrator/Building Official

Call to Order

Chair Page called the meeting to order at 7:00 PM on May 1, 2023.

Approval of Agenda and Meeting Minutes

Chair Page called for modifications or discussion of the April 3, 2023 meeting minutes. Commissioner Neibling moved to approve the minutes as presented. Commissioner Weaver seconded. Motion passed unanimously.

Public Hearings

WE-2023-01 – Application of Thomas Creal for a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(J)(4) for a second story side yard setback on a proposed accessory structure on property located at 3006 W. 51st Terrace

Chair Page asked that City Administrator Herring provide the staff report. City Administrator Herring presented the report included in the meeting packet.

Chair Page invited the applicant to address the Planning Commission. Property owners Tom and Lesley Creal and architect Laura Bowers addressed the Planning Commission and provided context to support their application. They shared that their neighbors on either side have been informed about the project and are supportive of it.

Chair Page called for questions from the Planning Commission of the applicant. Chair Page asked for clarification about the existing driveway and whether it will be removed. Lesley Creal confirmed that the easternmost section of driveway running up to the house will be removed and returned to grass and the curb cut will remain at the acceptable width. Commissioner Kelman asked for clarification as to the Zoning Ordinance as it pertains to whether the second story needs to be stepped back two feet or

whether the entire structure being situated with the same side yard setback for both the first and second story meets the Zoning Ordinance. City Administrator Herring confirmed that the Zoning Ordinance no longer has the “step back” language with regard to the façade on the side, which language was removed with the February 2022 text amendment.

Commissioner Prout asked about the alignment of the driveway. Laura Bowers shared that the driveway is designed to minimize damage to existing trees and that an arborist had been called to assess the site and identify any possible disruptions. They feel confident that no trees will die and they will take steps during construction to protect the mature tree at the foot of the driveway.

Chair Page called for public comment on the application.

Mary Ann Moidl, 2904 W. 51st Ter. asked for clarification on the question at hand. Commissioner Kelman confirmed the question before the Planning Commission is whether a 5 foot side yard setback should be allowed when a 7 foot side yard setback is required.

No other public comment was heard. Chair Page closed the public comment portion of the meeting.

Chair Page called for discussion amongst the Planning Commission. Commissioners shared that they feel the proposed project furthers the objectives of the Planning Commission in neighborhood and home design.

Chair Page called for additional comments or a motion to be made.

Motion to approve a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(J)(4) for a second story side yard setback on a proposed accessory structure on property located at 3006 W. 51st Terrace made by Commissioner Kelman. Second by Commissioner Neibling. Motion passed unanimously.

WE-2023-02 – Application of Scott McCracken for a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(C) to exceed total allowed lot coverage for the addition of a proposed accessory structure on property located at 2902 W. 51st Terrace

Chair Page asked that City Administrator Herring provide the staff report. City Administrator Herring presented the report included in the meeting packet. City Administrator Herring also noted that the incorrect notice area map was pasted into the staff report but assured the Planning Commission that the correct area was noticed by displaying the correct map on the screen.

Chair Page called for questions from the Planning Commission of staff. Commissioner Neibling asked for confirmation of the proposed ADU height. City Administrator Herring confirmed that height is shown on the plan at 18’.

Chair Page invited the applicant to address the Planning Commission. Property owner Scott McCracken addressed the Planning Commission and provided context to support his application.

Chair Page called for questions from the Planning Commission of the applicant. Commissioners asked clarifying questions about the elevations and materials. Chair Page asked for additional detail about the intended use of the ADU.

Chair Page called for public comment on the application.

Becky Beilharz, 2903 W. 51st Ter. shared via Zoom that she is concerned about parking during construction. She stated she has no issues with the proposed projects but is concerned about how City staff will ensure on-street parking availability for both construction crew members and residents and how traffic flow disruptions will be minimized when crews are working. Codes Administrator/Building Official Eddie McNeil stated that he will work with the contractors on that issue.

No other public comment was heard. Chair Page closed the public comment portion of the meeting.

Chair Page called for discussion amongst the Planning Commission. Chair Page disclosed that she lives directly behind the subject property and project.

There was some discussion about the footprint of the existing and proposed structures and whether or not the proposed foot print of the combined accessory structures would exceed the existing footprint of the primary structure. Scott McCracken stated that the primary structure is 2,000 sq ft. and that the existing accessory structure is 18' x 18' (324 sq ft) (plus 500' of which is the storage area/third garage planned for demolition, for a total of approximately 824 sq ft. of existing accessory structure. The applicant clarified that there is an additional approximately 200 sq ft along the rear of the structure) and that the proposed additional accessory structure is 500 sq ft. City Administrator Herring clarified that the [unchanging] footprint of the primary structure is 1,270 sq ft. and the proposed project – partial demolition of existing accessory structure and construction of additional, connected accessory structure – would result in 1,024 sq ft. of accessory structure(s) (which total accounts for the deduction for the breezeway based on the definition of lot coverage in the Zoning Ordinance). As such, the proposal if approved would result in a total accessory structure footprint of 200' – 300' less than the primary structure footprint.

Commissioner Neibling raised the issue that 4.3.5(G) provides that “no [accessory] structure may be more than sixteen feet, and one story, in height, except as provided in 4.3.6 Garages” but noted that the garage height of 18' is compliant and since the ADU is connected (and behind) the proposed garage, perhaps this provision could be argued not to apply to this particular case. City Attorney Spencer Low asked whether the Planning Commission is considering this one or two structures, to which Commissioner Neibling responded he considers it one structure.

Commissioner Kaiser stated that she is supportive of the proposal because this is a double lot; she noted it's almost like having one structure per lot if it were to be divided, that this is no denser than two separate houses on two separate lots.

Chair Page called for additional comments or a motion to be made. Commissioner Neibling stated (and Scott McCracken confirmed) that the site drains west. Commissioner Neibling stated that the proposed project – with pea gravel and stepping stones – should be designed to minimize/improve drainage from the accessory structures onto the neighboring property to the west.

Motion to approve a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.4(A) to reduce the required minimum rear yard setback of five feet to three feet for a proposed accessory structure on property located at 2902 W. 51st Terrace, Westwood, KS 66205 made by Commissioner Weaver. Second by Commissioner Fulghum. Motion passed unanimously.

Motion to approve a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.4(C) to exceed the maximum allowable footprint of all accessory structures on property located at 2902 W. 51st Terrace, Westwood, KS 66205. made by Commissioner Weaver. Second by Commissioner Neibling. Motion passed unanimously.

Presentations

Westwood Communities for All Ages Presentation

City Council President Jeff Harris presented the presentation he prepared and which was included in the meeting packet. He provided a summary of the task force composition, work, and findings and shared with the Planning Commission the plan for the Gold level – action phase – of the Communities for All Ages program.

Old Business

None.

New Business

Election of Planning Commission Officers (Chair, Vice-Chair, and Secretary)

Chair Page asked that City Administrator Herring provide the staff report. City Administrator Herring presented the report included in the meeting packet.

Motion made by Commissioner Breer to elect Commissioner Page as Chair. Commissioner Weaver seconded. Motion passed unanimously.

Motion made by Commissioner Kelman to elect Commissioner Breer as Vice-Chair. Commissioner Prout seconded. Motion passed unanimously.

Motion made by Commissioner Neibling to elect City Administrator Herring Secretary. Commissioner Breer seconded. Motion passed unanimously.

Announcements/Planning Commissioner Comments

Staff Reports

City Administrator Herring provided an update on the following items:

- 2024 Budget Process Timeline
- Karbank Development Proposal for 50th & Rainbow Blvd.
- Rainbow Blvd. Planning Sustainable Places Planning Status
- Mission Rd. Planning Status

Upcoming Items

None.

Adjournment

Motion by Commissioner Neibling to adjourn the meeting. Second by Commissioner Weaver. Motion passed unanimously. The meeting adjourned at 8:24 PM.

APPROVED: _____
Sarah Page, Chair

ATTEST: _____
Leslie Herring, Secretary

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