CITY OF WESTWOOD, KANSAS PLANNING COMMISSION MEETING

4700 RAINBOW BLVD. WESTWOOD, KS 66205<br>Monday, July 10, 2023 at 7:00 PM

## AGENDA

Welcome to your Westwood City Council meeting. This meeting may be attended remotely via Zoom:
Access Online: https://us02web.zoom.us/i/89009964959
Access by Phone: (312) 626-6799 / Webinar ID: 89009964959
[Note: This agenda is subject to changes, additions, or deletions at the discretion of the Governing Body]

## REGULAR MEETING AGENDA

## I. CALL TO ORDER

II. APPROVAL OF THE AGENDA AND MEETING MINUTES
A. Consider approval of July 10, 2023 Planning Commission meeting agenda
B. Consider approval of May 1, 2023 Planning Commission meeting minutes
III. PUBLIC HEARINGS
A. Consider application of Dan Quigley on behalf of property owners Vaughn Ericson and Erika Brown, for a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(D) to allow the primary structure to have less than $60 \%$ of its front façade on the front build-to line for a proposed new single-family residence on property located at 2917 W. 47th Ter., Westwood, KS 66205
IV. PRESENTATIONS
A. Receive initial presentation on forthcoming applications for 50th \& Rainbow Development from Karbank Holdings, LLC

## V. OLD BUSINESS

VI. NEW BUSINESS
A. Conduct annual review of Planning Commission Bylaws

## VII. ANNOUNCEMENTS/PLANNING COMMISSIONER COMMENTS

## VIII. STAFF REPORTS

A. City Administrator Report (Leslie Herring)
B. Public Works Director Report (John Sullivan)
C. Codes Administrator/Building Official Report (Eddie McNeil)

## IX. UPCOMING ITEMS

A. FP-2023-01 - Consider application of Karbank Holdings, LLC on behalf of owner City of Westwood to replat property at 5000 and 5050 Rainbow Blvd.
B. FP-2023-02 - Consider application of Karbank Holdings, LLC on behalf of owner Shawnee Mission School District to replat property at 2511 W. 50th St., et. al.
C. RZ-2023-01 - Consider application of Karbank Holdings, LLC on behalf of owner City of Westwood, KS to rezone property at 5000 and 5050 Rainbow Blvd. from R-1 (Single-Family Residential) to PD (Planned Development)
D. RZ-2023-02 - Consider application of Karbank Holdings, LLC on behalf of owner Shawnee Mission School District to rezone property at 2511 W. 50th St., et al. from R-1 (Single-Family Residential) to PD (Planned Development)
E. PDP-2023-01 - Consider application of Karbank Holdings, LLC on behalf of owners Shawnee Mission School District and City of Westwood, KS, jointly, for approval of a preliminary development plan at 2511 W. 50th St., 5000 Rainbow. Blvd., and 5050 Rainbow Blvd.
F. FDP-2023-01 - Consider application of Karbank Holdings, LLC on behalf of owners Shawnee Mission School District and City of Westwood, KS, jointly, for approval of a final development plan at 2511 W. 50th St., 5000 Rainbow. Blvd., and 5050 Rainbow Blvd.

## X. ADJOURNMENT

## UPCOMING MEETINGS

Regular meetings of the Westwood Planning Commission are held at 7:00 PM on the first Monday of each month. The next regular meeting of the Westwood Planning Commission will be held August 7, 2023, at 7:00 PM at Westwood City Hall or virtually, depending on current public health protocols in place. The City Calendar may be accessed at www.westwoodks.org. To receive further updates and communications, please see or sign up for the following:

Westwood Buzz Email: https://bit.ly/3wA4DWx
Facebook: City of Westwood Kansas-Government Westwood, KS Police Department

|  | City of Westwood, Kansas <br> Planning Commission Meeting <br> 4700 Rainbow Boulevard <br> May 1, 2023-7:00 PM |
| :--- | :--- |
| Commissioners Present: | Kevin Breer, Vice Chair - joined remotely via Zoom <br> Clay Fulghum <br> Ann Holliday <br> Samantha Kaiser <br> David Kelman <br> Mark Neibling <br> Sarah Page, Chair <br> Matt Prout <br> M. Scott Weaver |
| Commissioners Absent: | None |
| Staff Present: | Leslie Herring, City Administrator <br> Spencer Low, Planning Commission Attorney <br> John Sullivan, Public Works Director <br> 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. $51^{\text {st }}$ 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. $51^{\text {st }}$ 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 $3006 \mathrm{~W} .51^{\text {st }}$ 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. $51^{\text {st }}$ 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 $18^{\prime}$.

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. 51 ${ }^{\text {st }}$ 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 $2,000 \mathrm{sq} \mathrm{ft}$. and that the existing accessory structure is $18^{\prime} \times 18^{\prime}(324 \mathrm{sq} \mathrm{ft})$ (plus $500^{\prime}$ 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 $1,270 \mathrm{sq} \mathrm{ft}$. and the proposed project - partial demolition of existing accessory structure and construction of additional, connected accessory structure - would result in $1,024 \mathrm{sq} \mathrm{ft}$. 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 $18^{\prime}$ 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 $50^{\text {th }} \&$ 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: $\qquad$ Sarah Page, Chair

ATTEST:
Leslie Herring, Secretary

## WESTWOOD PLANNING COMMISSION

Staff Report
Meeting Date: July 10, 2023
Staff Contact: Leslie Herring, City Administrator

WE-2023-03 - Application of builder Dan Quigley on behalf of property owners Vaughn Ericson and Erika Brown, for a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(D) to allow the primary structure to have less than $60 \%$ of its front façade on the front build-to line for a proposed new singlefamily residence on property located at 2917 W. 47th Ter., Westwood, KS 66205

OWNER OF RECORD: Vaughn Ericson and Erika Brown
APPLICANT: Dan Quigley, Quigley Custom Homes, LLC
LOCATION: The property is deeded as MISSION CIRCLE LOT 14 WWC-0392
ZONING: The property is zoned $\mathrm{R}-1(\mathrm{~B})$
PROPOSED PROJECT: Construct a new single-family dwelling

REQUESTED ACTION: A waiver/exception from Article No. 4.3.2(D) of the Westwood Zoning Ordinance requiring primary structures to have at least $60 \%$ of the front façade on the front build-to line.

ZONING ORDINANCE PROVISIONS: The following zoning ordinance provisions are applicable to this variance request:

### 4.3.2 Single-Family Primary Structure Requirements

D. Primary structures shall have at least $60 \%$ of their front facade on the front yard buildto line.

ZONING ORDINANCE WAIVER \& EXCEPTION: Pursuant to Ordinance No. 1000 passed by the Westwood Governing Body on March 14, 2019, the Westwood Zoning Code was amended to create a new Section 4.5 - Waivers \& Exceptions to establish a new review and approval process as an alternative to consideration of a variance request by the Board of Zoning Appeals.

As provided for by Ordinance No. 1000, and in conformance with the Planning Commission's and Governing Body's intent to provide a process to consider waivers and exceptions from certain sections of Chapter 4 of the Westwood Zoning Ordinance, a waiver from Section 4.3.2(I) would need to be granted to allow the property owner to construct the home as proposed.

APPROVAL CRITERIA: Pursuant to Ordinance No. 1000, a waiver or exception shall not be approved if it is contrary to the public interest or unnecessarily burdens the City. The Approving Authority may approve the waiver or exception if the applicant demonstrates one (1) or more of the following:

1. An alternative higher quality development design is being proposed with no negative impacts to either near-by residential or nonresidential properties.
2. Relief of the development restrictions imposed on the property will ensure low impact land uses, and quality building and site design arrangements in which adjoining residential properties will not be negatively impacted by any deviations from the applicable regulations.
3. The granting of the wavier or exception will not be opposed to the general spirit and intent of the adopted Comprehensive Plan.

The waiver/exception is a condition of the underlying application for approval and has the same effect as any approval of that application. In such instances, findings shall be prepared that:

1. No private rights will be injured or endangered by granting of the waiver or exception.
2. The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

STAFF ANALYSIS: Staff review of the application submittal concludes that all elements of the proposed single-family dwelling conform to the Westwood Zoning Ordinance except for the proposed $43 \%$ of the front façade of the primary structure being on the front build-to line.

STAFF RECOMMENDATION: The Planning Commission should review the application materials included in the meeting packet, should consider any public comment received ${ }^{1}$, and should consider the applicant's presentation at the meeting to determine whether this application should be approved.

Suggested Motion I move to approve/deny/conditionally approve a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(D) to reduce the required minimum $60 \%$ of the front facade to be on the front yard build-to line for a single-family residence on a property located at 2917 W 47h Terrace, Westwood, KS 66205.

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## WE-2023-03; 2917 W 47 ${ }^{\text {th }}$ Terrace

July 10, 2023
Page 3 of 5


ORDERED BY: Quigley Custom Homes
PROPERTY ADDRESS: 2917 W 47TH TERRACE
DESCRIPTION: Lot 14, Mission Circle, a subdivision in the City of Westwood, Johnson County, Kansas.

## LAND SURVEY COMPPANY

PO. BOX 528 , GRality since 1959
PO. BOX S28, GRANDVIEW, MISSOURI 64030
PHONE: ( 816 ) $966-0839$ FAX: $(816) 763-1761$
(c)

Area Calculations:
Lot $=8,337.7$ s.f.
Proposed Non Permeable $=2,516$ s.f. $=30.1 \%$


Aftention: This Plot Plan was prepared for use before and during foundation construction OWLY. This wouse is stated os shown on this drowng. The Controctar is to check and verily house dimensions ond
devotions ot the job site. We ore not responssibe for unknom or unplatted easements of any kind unless we ore fimished with the desconition of soid easement priar to our field wort being pertomed Elevations
 anything shown on this "Plan. "Boundary and Improvement Surrees and "As-Buit" Groding Certifications
serve the puppose of showing "Actual" construction.



## Waivers \& Exceptions Application

Requested Waiver For: Request for Waiver from the $60 \%$ of billing width at front building set bach tine.
General Location/Address of Subject Property: $2.917 \mathrm{~W} .47^{\text {th }}$ Ter.

Legal Description:
Mission Circe
Lot 14 whe-0.392
Current Land Use: Residential
Zoning District: $\frac{R-1(B)}{}$
Property Owner's Names): Vaughn Ericson $\qquad$


List the specific Zoning Ordinance provisions that a waiver or exception is being requested from:
Suction 4.3.2.D:
Primary structures shall have al least $60 \%$ of
THEIR FRONT FACADE ON THE FRONT YARD BULLD-TO LINE.

A waiver or exception shall not be approved if it is contrary to the public interest or unnecessarily burdens the City of Westwood. The following provisions are evaluated before a waiver or exception can be granted.

Respond to each of the criteria as it pertains to the request.
A. An alternative higher quality development design in being proposed with no negative impacts to either near-by residential or nonresidential properties.
$\qquad$ includes a side facing garage (approx $40 \%$ and front entry that is \&' bale from gavage would meet the requirements.
B. Relief of the development restrictions imposed on the property will ensure low impact land uses, and quality building and site design arrangements in which adjoining residential properties will not be negatively impacted by any deviations from the applicable regulations. $\qquad$ The adjoining propectice will not be negatively impacted by the subset property design with highly desirable lap siding oud Architectural highlites like covered front porch ane Roo accents.
C. The granting of the wavier or exception will not be opposed the general spirit and intent of the
 not be apposed to the general pint and intent of the adopted Comprehension Plan as hins Plan meets all ethan existing design aniline and renounced set backs

Signature of Owner or Agent:


Note: Authorization of Agent must accompany any requests made by anyone other than the property owners).

## Eddie McNeil

| From: | Ericson, Vaughn [EricsonV@bv.com](mailto:EricsonV@bv.com) on behalf of Ericson, Vaughn |
| :--- | :--- |
| Sent: | Tuesday, May $16,20234: 40$ PM |
| To: | eddie.mcneil@westwoodks.org |
| Cc: | Dan Quigley |
| Subject: | Westwood Waiver -2917 W47TER |

Eddie,

I authorize Dan Quigley to apply for this waiver on my behalf, and any future waivers/permits required for the building and construction process. Let me know if you have any additional questions.

Thanks,

## Vaughn Ericson

Business Analyst
Energy \& Process Industries
Black \& Veatch
D +1 913-458-6877 (CST)
E EricsonV@bv.com

Building a World of Difference. ${ }^{\circledR}$

Please consider the environment before printing my email
Please note that the information and attachments in this email are intended for the exclusive use of the addressee and may contain confidential or privileged information. If you are not the intended recipient, please do not forward, copy or print the message or its attachments. Notify me at the above address, and delete this message and any attachments. Thank you.

## City of Westwood

One- and Two-Family Dwelling Plan Review for Zoning Ordinance Compliance

Address:
salt w A1 tM TERRACE zoning District: $K-1(B)$


Notes:

## PROPERTY ADDRESS: 2917 W 47TH TERRACE

DESCRIPTION: Lot 14, Mission Circle, a subdivision in the City of Westwood, Johnson County, Kansas.
$\mathbb{S I T E}$ PLAN

## Area Calculations:

Lot $=8,337.7$ s.f.
Proposed Non Permeable $=2,516$ s.f. $=30.1 \%$





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MNIMM SEER RATMG FOR AR CONOTIONEERIS 13.3
Electrical:












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sumoke berecio
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(2)





manamenam



## ALL HIPS, ValLeys AND NO LATERAL FORCES.

NOLATERALLORCES.
PROODEE IMPSONLST

general notes:
ROOF PITCHES VARY, CHECK PLAN


1. RAFTER SPANS MEASURED ON HORIZONTAL PROJECTION.
2. BRACE RAFTERS TO
BEARING WALLS, LEGS @ MIN. 45 DEGREE ANGLE

3. ROOFLLAODNG:
SNOW LOAD $=20 ~ P S F$
S.
4. COMPOLOAON SHINGLE ROOFINC

MAXIMUM RAFTER SPANS: 16 " O.C.


Notes:



maxmum unbaased lenath






Wngineered designs may be approved provided adequate justication is provided and the method is clearly indicated on the plan. Where braced panel sheathing is used, vertical joints will be over studs and horizontal
joints that occur over minimum 11/2" blocking Bad was
Braced wall lines shall be provided and braced using the methods noted below. Braced wall lines shall be provided on each level of the structure. Braced panels shall begin no more than 10 ' 00 " from each end
of a braced wall line. Panels counted in the braced wall line shall be in line except offsets up to $4^{\prime}-0$ " are permitted provided that the total offset dimension in any braced wall line does not exceed $8^{\prime}-0^{\prime \prime}$. Braced pane
locations less than $4^{\prime}-0^{\prime \prime}$ in length shall use an alternate locations less than $4^{\prime}-0$ " ${ }^{\prime \prime}$ in length shall use an alternate approve bracing method.

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|  |  | Fastenes |  | Spacing |
| Letinibracing |  |  |  | Nulunill |  |  |
|  |  | Meala stap: per manufacurure |  |  | $\underset{\text { per manulatacturer }}{\text { M }}$ |
|  | $\begin{gathered} \text { DWe } \\ \text { Noang bar } \\ \text { woid bars } \end{gathered}$ | $\begin{aligned} & 3 / 4^{\prime \prime}\left(1^{\prime \prime}\right. \text { nominal) for } \\ & \text { maximum } 24^{\prime \prime} \\ & \text { stud spacing } \end{aligned}$ |  | $2-8 \mathrm{~d}\left(2^{1} / 2^{\prime \prime}\right.$ long $\times 0.113^{\prime \prime}$ dia.) nails <br> 2. $1^{1} / 4$, orng long stapes | Pers |
|  |  | \%/ |  |  | $6^{\text {" }}$ cleses 12 n field |
|  |  |  |  |  | Varies by fasener |
|  |  | $\%_{100}$ | se Figur R R62. 10.6 .5 | ${ }^{8 d}$ common ( $\left.21 / 2.1 \times 0.131\right)$ nails |  |
|  |  |  |  |  |  |
|  | ${ }_{\text {cypum }}^{\text {Gimard }}$ | 1/2" | $\square$ |  | For all braced wallpanel locations: $7^{\prime \prime}$edges (including topand bottom plates) $7^{\prime \prime}$field |
|  |  |  |  | Nails or screws per Table R702.3.5 for <br> interior locations |  |
|  | PBS <br> Particleboard <br> sheathing <br> (See Section R605) |  |  | $\begin{gathered} \left(2^{\prime \prime} \text { long } \times 0.113^{\prime \prime} \text { dia. }\right) \text { nails } \\ \text { For }{ }^{1} / 2^{\prime \prime}, 8 \mathrm{~d} \text { common } \\ \left(2^{1} / 2^{\prime \prime} \text { long } \times 0.131^{\prime \prime} \text { dia. }\right) \text { nails } \end{gathered}$ | $3^{3}$ edges ${ }^{6}$ Field |
|  | $\begin{gathered} \mathbf{P C P} \\ \text { Portland } \\ \text { cement plaster } \end{gathered}$ | See Section R703.7 for maximum $16^{\prime \prime}$ stud spacing | Inlululin |  |  |
|  | $\begin{gathered} \text { HPS } \\ \text { Hardboard } \\ \text { panel siding } \end{gathered}$ |  |  | $0.092^{\prime \prime}$ dia., $0.225^{\prime \prime}$ dia. head nails w penetration into studs |  |
|  | $\begin{gathered} \text { ABW } \\ \text { Alternate } \\ \text { braced wall } \end{gathered}$ | $3 / 4$ | Tildmuldinlil | See Section R602.10.6.1 |  |
| мethoos, materal |  | mmmum דillowness | FIGunE | comvectov carterna* |  |
|  |  | Fastenes |  | Spacting |  |
|  | $\begin{gathered} \text { PFH } \\ \text { Portal frame with } \\ \text { hold-downs } \end{gathered}$ |  | $1 / 1 / 4$ | T\|In In | See Section R602.10.6.2 | See Section R602.10 |
|  | ${ }_{\text {Poral frame }}^{\text {Prama agage }}$ | $\%_{160}$ | In | See Section R602 10.6.3.3 | Se Section R602 10.6.3 |
|  | ${ }_{\text {coser }}^{\text {ciswsp }}$ | d $1 / 4$ | $\square \square \pi I I$ |  | $6^{\prime \prime}$ cdess 12 "Ficild |
|  | wood strucural panel |  |  |  | Varies by fastener |
|  |  | \% | WIU III | See Method CS-wsp | See Method CS.WSp |
|  | $\begin{array}{\|c\|} \hline \text { CS-PF } \\ \text { Continuously sheathed } \\ \text { portal frame } \\ \hline \end{array}$ | ${ }^{4}$ | 令 | See Section R602.10.6.4 | See Section R602.10. |
|  | $\begin{gathered} \text { CS-SFB }^{d} \\ \text { Continuously sheathed } \\ \text { structural fiberboard } \end{gathered}$ | $1 / 2^{\prime \prime}$ or ${ }^{25} / 33^{\prime \prime}$ for maximum $16^{\prime \prime}$ <br> stud spacing | TIU |  | ${ }^{3}$ edeges 6 " Field |




D. only.




## 

Wotnotes:
Wall height is measure from the top of the wall to the top of the floor slab
Vertical reinforcements for concrete walls that are not full height, and for reinforcement
spacing 24 inch on center, reinforcements may be placed in the middle of the wall. Othe walls shall have vertical reinforcements place as follows:
a) 8 -inch wall - Minimum 5 inches from the outside face,
b) 10 -inch wall - Minimum 6.75 inches from outside face
c) Extend bars to within 8 " of the top of the wall.
a) Concement clearances:
a) Concrete exposed to earth - minimum $11 / 2$ " inches
b) Not exposed to weather (interior side of walls) -
(interior side of walls) - minimum $3 / 4$ inches
c) Concrete exposed to weather (top clearance in garage and driveway slabs)- $11 / 2$
4) Horizontal reindorcement:
a) One bar shall be placed within 12 inches of the top of the wall.
b) Other bars shall be equally spaced with spacing not to exceed 24 inches on center
a) One bar shall be placed within 12 inches of the top of the wall.
b) Other bars shall be equally spaced with spacing not to exceed 24 inches on center.



June 16, 2023

## Dear neighbor:

As a property owner within 200 feet of the property located at 2917 W. 47th Terrace in Westwood, you are being notified of an application by Dan Quigley of Quigley Custom Homes, LLC, on behalf of property owners Vaughn Ericson and Erika Brown, for a waiver or exception for a proposed new single-family residence on property located at 2917 W. 47th Terrace, Westwood, Kansas 66205 . The waiver or exception requested is from Westwood Zoning Ordinance Article No. 4.3.2(D) to allow the primary structure to have less than $60 \%$ of its front façade on the front build-to line.

This letter is to inform you that the Westwood Planning Commission will hold a public hearing for consideration of this application where the general public may provide comments on Monday, July 10, 2023 at 7:00 PM at Westwood City Hall, 4700 Rainbow Blvd., Westwood, KS 66205. The meeting will also be accessible virtually on Zoom. In addition to live oral comments, written comments may be submitted ahead of the public hearing to info@westwoodks.org and will be included in the public meeting record.

The meeting may be attended either in person at Westwood City Hall or virtually, by using the following instructions:

Online
https://us02web.zoom.us/i/89009964959
or
by Phone
(312) 626-6799

Webinar ID: 89009964959
Additional information on this application is available at Westwood City Hall, 4700 Rainbow Boulevard or by contacting me, City Administrator Leslie Herring by using the contact information below.

Kind regards,

## Uslie Herring

Leslie Herring
City Administrator
913.942.2128
leslie.herring@westwoodks.org

# The Legal Record 

1701 E. Cedar St., Ste. 111
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ATTN: LESLIE HERRING
CITY OF WESTWOOD
4700 RAINBOW BLVD
WESTWOOD KS 66205-1831
First published in The Legal Record, Tuesday, June 20,2023 ,
CITY OF WEST WOOD, KANSAS
NOTICE OF PUBLIC HEARING

CITYOF WEST WOOD, KANSAS
NOTICE OF PUBLIC HEARING
The Planning Commission of the City of Westwood, Kansas will hold a public hearing on Monday, July 10, 2023, at 7:00 PM at Westwood City Hall located at 4700 Rainbow Boulevard. Details for attending the meeting and speaking during the public hearing can be found at www.westwoodks.org or by calling 913-362-1550. Written comments may also be submitted ahead of the public hearing to info@westwoodks. org. The subject of the public hearing is:
WE 2023-03
NE 2023-03
An application of Dan Quigley on behalf of property owners Vaughn Ericson and Erika Brown, for a waiveer or exception for a proposed new single-family residence on property located at 2917 W .47 th Terrace, Westwood, Kansas 66205. The waiver or exception requested is from Westwood Zoning Ordinance Article No, 4.3.2(D) to allow the primary structure to have less than $60 \%$ of its front façade on the front build-to line.
/s /Leslie Herring, City Administrator 6/20

## Proof of Publication

## STATE OF KANSAS, JOHNSON COUNTY, SS;

 Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week (s), as follows:HEARING - WE 2023-03 PLANNING
COMMISSION, JULY 10, 2023
6/20/23


Maureen Gillespie, Legal Notices Billing Clerk
Subscribed and sworn to before me on this date:


## WESTWOOD PLANNING COMMISSION

Staff Report
Meeting Date: July 10, 2023
Staff Contact: Leslie Herring, City Administrator

Agenda Item: Conduct Annual Review of Planning Commission Bylaws

## Background/Description of Item

The Planning Commission bylaws provide for the following:

## ARTICLE SIX

## Miscellaneous

SECTION THREE: Amendment of Rules. These Bylaws may be amended or repealed for stated reasons by affirmative vote of three-fourths (3/4) of the voting members of the Commission.

SECTION FOUR: Bylaw Review. The Westwood Planning Commission shall review, amend and approve these Bylaws in June of every year.

## Staff Comments/Recommendation

In Spring of 2022 the Planning Commission reviewed the Bylaws and, at the June 2022 regular Planning Commission meeting amended the Bylaws following that review.

The Planning Commission members are encouraged to review the Bylaws ahead of the meeting. Any modifications identified by individual members should be raised and discussed amongst the Planning Commission at the meeting. Once the Planning Commission feels comfortable proceeding with an amendment to the Bylaws or approval of the Byalws without revision, a motion may be made from the floor.

## Suggested Motion:

I move to amend/approve the Planning Commission Bylaws following this July 2023 annual review of the Bylaws, in accordance with the provisions of same.

## BYLAWS

OF
THE CITY OF WESTWOOD PLANNING COMMISSION

## Amended June 6, 2022

ARTICLE ONE
Creation

SECTION ONE: Name. There is hereby established by the City Code of Westwood, a City Planning Commission to be named WESTWOOD PLANNING COMMISSION (hereinafter sometimes referred to as "Planning Commission" or "Commission").

SECTION TWO: Membership. The Planning Commission shall consist of nine (9) members. The members shall be appointed by the Mayor with the consent of the Governing Body to serve on the Planning Commission without compensation for their services. Members of the Planning Commission shall serve for a three (3)-year term which shall begin on March 1 of the year of the appointment and expire on the final day of February three (3) years later. The appointment of the members shall be staggered so that not more than four (4) Commissioners' membership terms expire at the same time. Vacancies on the Commission shall be filled by appointment for the unexpired term.

## ARTICLE TWO <br> Purpose

SECTION ONE: Bylaws. The purpose of these Bylaws is to establish rules for the internal organization and procedures of operation of the Planning Commission.

SECTION TWO: Commission. The function, powers, and duties of the Planning Commission are as authorized by State Law, and by the existing joint Ordinance/Resolutions establishing the Planning Commission. The Planning Commission adopts its own rules and policies for procedure, consistent with its powers.

ARTICLE THREE
Organization

SECTION ONE: Officers. The officers of the Commission shall be a Chair, Vice-Chair, and Secretary. The Chair, Vice-Chair, and Secretary shall be elected by the Planning Commission at its regular meeting in May of each year. The term of office shall be one (1) year. The officers may be reelected by a majority vote of the membership of the Planning Commission.

SECTION TWO: Chair. The Chair shall preside at all meetings of the Planning Commission. At their discretion, a Chair may call special meetings and they may also relinquish the Chair to the Vice-Chair or other specific member. The Chair may not make or second motions, but they may vote on any and all motions to come before the Commission. The Chair shall appoint all committees. The Chair shall perform all of the duties assigned to their office by law and by the City Governing Body, and shall have such usual powers of supervision and management as pertain to the office of Chair. If the Chairmanship becomes vacant for any reason, the Vice-Chair shall succeed to the Chairmanship for the remainder of the term.

SECTION THREE: Vice Chair. The Vice-Chair shall act as Chair in the absence of the Chair or disability of the Chair and while so serving shall have all the authority held by the Chair. In the event the office of Chair becomes vacant, the Vice-Chair shall succeed to that office for the unexpired term and the Planning Commission shall elect a new Vice-Chair for the unexpired term.

SECTION FOUR: Secretary. The Commission shall elect a recording secretary, who shall be provided by the City of Westwood and who need not be an appointed member of the Planning Commission.
A. The Secretary shall attend all meetings of the Planning Commission, shall send notices of all regular and special meetings to all members of the Commission. In addition, the Secretary shall have, under the Chair, responsibility for books, papers, and records of the Planning Commission, and attend to all correspondence of the Planning Commission.
B. The Secretary is responsible for keeping an accurate record of all regular and special meetings and transcribing them for Planning Commission approval. The Secretary is responsible for placement of all meeting minutes in the Minute Book of the Planning Commission. All motions shall be recorded and an accurate record made of all reasons for motions or votes by members of the Commission shall be made. The Minute Book shall become a permanent record and part of the official records of the City of Westwood.

SECTION FIVE: Attendance. In the event that the Chair, Vice-Chair, or Secretary of the Commission shall be absent or unable for any reason to attend to the duties of their offices, the members of the Commission may, at any regular meeting or any special meeting called for that purpose, appoint a Chair pro tem or a Secretary pro tem, as the case may be, who shall attend to all the duties of such officer until such officer shall return or be able to attend to their duties. A Commission member may be removed by the Mayor without Council consent as provided by law. Failure to attend three (3) or more consecutive meetings, or five (5) meetings within a calendar year, are grounds for removal from office.

## ARTICLE FOUR <br> Meetings

SECTION ONE: Regular Meetings. Regular meetings of the Planning Commission, unless otherwise provided, shall be at Westwood Municipal Building at 7:00 p.m. on the first Monday of every month. All meetings shall be open to the public. Meetings shall adjourn no later than 11:00 p.m., unless extended upon motion of a majority of the Planning Commission members present. Items remaining on the agenda at the end of a meeting may be continued by the Planning Commission until the next regular meeting unless otherwise provided by law.

The Chair or Vice-Chair may authorize the Secretary or designee to poll the members of the Commission for the purpose of canceling a meeting.

SECTION TWO: Special Meetings. Special meetings of the Planning Commission shall be called by the Chair, or in their absence, by the Vice-Chair, and held at any time or place fixed in the notice. Only items specified in the notice may be acted upon at the special meeting. Notice may be made by telephone or mail. The Chair, or, in their absence, the Vice-Chair shall call a special meeting of the Commission at the request, in writing, of a majority of the appointed members of the Commission; and if the Chair or, in their absence, the Vice-Chair shall fail to comply with such a request, said member so requesting may call such meeting provided they all sign the notice. The Planning Commission shall provide at least three (3) days' notice to each member prior to any special meeting unless the notice requirement is waived by all members.

SECTION THREE: Quorum. Five (5) members of the Planning Commission, including the Chair, shall be necessary to constitute a quorum for the transaction of business and the taking of official action.

SECTION FOUR: Agenda. Agendas for all regular meetings shall be available at the Westwood Municipal Building on the Friday prior to the meetings. The order of items on the agenda shall be at the discretion of the Chair or their designee, due consideration being given to early consideration of items likely to attract large attendance at the meeting. The Chair may, for reasons stated to all in attendance, vary from the order of the agenda.

An item may be added to the agenda only by affirmative vote of a majority of the members present. An agenda item consisting of a proposed amendment to the zoning ordinance may be removed from the agenda only by a motion to recommend approval or denial of the proposed zoning ordinance amendment. Other items not pertaining to ordinance approval may be removed by a majority of the members present and reasons therefore stated in the record.

## ARTICLE FIVE <br> Conduct of Meetings

SECTION ONE: Parliamentary Procedure. Except as otherwise provided meetings of the Planning Commission shall be conducted in accordance with the procedures proclaimed by Robert's Rules of Order.

## SECTION TWO: Order of Business.

A. Order; i.e., Roll Call, Approval of Minutes, Agenda Items, Old Business, New Business, Reports, and Adjournment.
B. The Commission may consider items not on the Agenda if a majority of the Commission members vote approval to do so.
C. The Chair shall call each agenda item and briefly describe, or ask a member of the staff to briefly describe the application before the Commission.

SECTION THREE: Staff Reports. Staff reports on all agenda items shall be prepared and provided to the Commission members at least three (3) days prior to the scheduled meeting. Staff shall present their report prior to an applicant's report to the Commission.

SECTION FOUR: Continuances by Staff, Commission Member, or Applicant. Any item may be continued upon request or recommendation by staff or a Commission member, except as provided by
law. The Commission may continue items requiring a public hearing to a date certain. Other items allowed by law may be tabled and recalled at the request of the staff or Commission. A tabled item which fails to be recalled after six (6) months shall be considered withdrawn.

An applicant may continue their own proposal to a date certain by notifying the Secretary not less than two (2) business days prior to the date of the hearing. Where notification by mail of adjacent property owners has taken place, as required by law, the applicant shall further notify the same property owners, by registered mail, return receipt requested, of the continuance and the new date of the hearing. Their notification of continuance shall be mailed not less than ten (10) days prior to the date of the originally scheduled hearing and at least twenty (20) days prior to the next hearing date.

Any proposal not withdrawn prior to preparation of the agenda may be continued at the applicant's request only by affirmative vote of a majority of the Commission members. In consideration of such a motion to allow continuance, the Commission may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard and the Commission may refuse to continue the proposal, and may proceed with the hearing and take appropriate action thereon. In any case of continuance, it shall be to a date certain, only one continuance shall be permitted, and the applicant shall notify by registered mail all parties initially notified of the new hearing date, such notification to be mailed not less than twenty (20) days prior to the date of the new hearing. In addition, the Commission may direct the applicant to change the posting on the property and direct the staff to publish the new date in the appropriate newspaper at applicant's expense.

SECTION FIVE: Appearance Before the Commission. Applicants or their representatives may appear before the Commission to present their view on an agenda item. If required by law, the Commission will hold a public hearing.

The name and address of the applicant and their agent shall be entered in the record, as well as a summary of their presentation. At the conclusion of the applicant's presentation, members of the Commission and staff shall have the opportunity to question the applicant. Any other supporting testimony will then be called for. Public input may then be heard with the members of the Commission and staff having an opportunity to question any speaker. The applicant will then be given opportunity to present a short summary. All statements shall be directed to the Commission and cross conversation among those in attendance is prohibited. Questions between opposing parties shall be directed first to the Chair, who may then ask the proper person to answer, such answer being directed to the Commission. At such time that the Chair feels testimony has been sufficiently heard, the Chair shall declare the public hearing closed after which the public in attendance may address the Commission only with the permission of the Chair, and only to answer a question by a member of the Commission. All persons who wish to speak shall first give their names and addresses for the record. The Chair may establish limits on time used by all parties making presentations or comments to the Planning Commission; however, the decisions made by the Chair may be overridden by a majority vote of Commission members.

SECTION SIX: Incomplete Submittals. The Commission will not hear items that fail to meet submission requirements.

SECTION SEVEN: Commission Action. the Commission shall, at the conclusion of discussion on the item, take action on each item presented. Voting shall be by individual voice ballot on each item and shall be tallied by the Secretary. All members, including the Chair, shall have a vote and shall vote when
present except that any member shall automatically disqualify himself from voting on any decision in which they may have a conflict of interest. If the item upon which the Planning Commission action is taken is remanded for reconsideration to the Commission by the Governing Body, it shall be considered at the next regular meeting of the Planning Commission after notice of the remand is received. If no action is taken on the remanded item at their meeting, the same recommendation will be deemed made and will be sent back to the Governing Body.

SECTION EIGHT: Motions. Following the closing of the public hearings on testimony, a motion may be made to recommend approval or denial of the application, to continue the application to a later date certain if a public hearing has occurred, or to table the item. A brief statement of reason or reasons for the motion will precede the making of all the motions. Any stipulations relative to plans, development procedures, etc., should be listed following the motion to approve. Upon receiving a second, the motion may be discussed and, upon the call for a question or at the discretion of the Chair, brought to a vote. A motion to amend, if necessary, must be voted on first. Then the main motion would be voted on in its amended state. Motions shall require an affirmative vote of a majority of the members of the Planning Commission for passage, except as otherwise provided by law.

Vote shall be by voice or by the raising of hands or by roll call, at the discretion of the Chair. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended in keeping with Roberts Rules. If the Commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a date certain unless otherwise provided by law. Such a motion for continuance shall include a reason for the action, and shall require a majority vote of the Planning Commission.

SECTION NINE: Abstentions. If, after considering an item, a Commissioner wishes to abstain from voting, their abstention shall be treated as a vote against the majority. If there is a tie vote, an abstention shall be considered a denial.

SECTION TEN: Failure to Recommend. If there is a tie vote of the Planning Commission on any item on which the Commission sits as a recommending body it will be considered a recommendation of denial of the item, except as may otherwise provided by law. If the tie vote occurs on action on which the Commission sits as a final decision maker, a tie vote defeats the motion. If no subsequent motion is made and approved after the tie vote, the request is deemed denied.

SECTION ELEVEN: Applicant Not in Attendance. In case an applicant or their agent is not in attendance when their item is called, the item shall be set over to the end of the agenda. If at the time the item is called again the applicant is still not present, the Commission may continue the case, or may approve or deny the application as it sees fit.

## ARTICLE SIX

Miscellaneous
SECTION ONE: Conflict of Interest. When a member of the Commission feels they may be in conflict of interest on a particular case before the Commission, they may so state for the record and vacate their chair. A member so vacating their chair shall leave the room and should not participate in the hearing or discussion, and shall not vote on the issue. If the vacation of a member due to conflict of interest will
eliminate a quorum, then the Planning Commission shall continue the hearing to the next regular meeting.
SECTION TWO: Suspension of Rules. Any of these Bylaws may be suspended for stated reasons by affirmative vote of three-fourths $(3 / 4)$ of the members of the Commission.

SECTION THREE: Amendment of Rules. These Bylaws may be amended or repealed for stated reasons by affirmative vote of three-fourths (3/4) of the voting members of the Commission.

SECTION FOUR: Bylaw Review. The Westwood Planning Commission shall review, amend and approve these Bylaws in June of every year.

CITY OF WESTWOOD, KANSAS


## ATTEST:




[^0]:    ${ }^{1}$ Per Westwood zoning regulations, this public hearing was published at least 20 days prior and notice of the hearing was mailed to all property owners within 200 ' of the subject property, as shown in the map on the next page.

