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City of Westwood
Planning Commission Public Hearing
4700 Rainbow Boulevard
Westwood, Kansas 66205

April 2, 2012 – 7:00 p.m.

Summary

The Westwood Planning Commission met in regular session on Monday, April 2, 2012, at 7:00 p.m. at Westwood City Hall, 4700 Rainbow Boulevard, Westwood, Kansas.

Members present: Chris Ross, Chair
Ken Jagers, Vice Chair
David Waters
Rob Junk
Ken Low
Justin Bridges

Members absent: Cami Savage
Donald Friend
Trent Robinett

Staff present: Fred Sherman, City Clerk
Rita Haas, Assistant City Clerk
Ryan Denk, City Attorney
John Sullivan, Director of Public Works

Staff absent: Carlos Wells, Chief of Police

Others present: John Ye, Council Member
Karen Johnson, Resident
Ellen Marsee, Resident
Marci Hertenstein, Applicant
Luke Hertenstein, Applicant's Spouse

I. Call to Order

The Chairman called the meeting to order. The Assistant City Clerk called the roll. A quorum was present.

II. Approval of Minutes of October 3, 2011 Planning Commission Meeting

City Attorney Denk asked for corrections to Page 2 of the minutes. Substituting “the TIFF District” in place of “a conservation district” and “consideration” in place of “the intent” in the first paragraph of Item III and substituting “eligible project” in place of “attributable” in the last paragraph on Page 2 of Item III. Commissioner Waters moved to approve the minutes of the meeting as amended. Motion seconded by Commissioner Bridges. Motion carried by unanimous voice vote.

III. Consideration of Special Use Permit for a Day Care Facility in Residential Area

Chairman Ross asked for the staff reports and it was pointed out that they were included with the packets and Chief Wells’ report was distributed prior to the meeting.

Marci Hertenstein Westwood resident and applicant at 4953 Adams stepped up to the microphone to introduce herself and explain her application. Said she is licensed by the State of Kansas and has had the necessary inspections of her home by the Fire Department and the Building Official; she is a stay at home mom, caring for her son and a friend’s two children and has no plans right now to take on more than these two children though she is licensed to care for up to ten children. She was asked about requirements to display the license at her home and she said it is displayed along with a fire escape plan and emergency procedure plans and they have monthly fire drill and tornado drills. They have added extra smoke detectors and fire extinguishers and addressed the Fire Department’s concern about child-proof locks.

Chairman Ross opened the public comment portion of the hearing.

Karen Johnson of 4950 Adams. Stated her house is directly across from the Hertensteins and her driveway goes back to the parking space in front of their house. Ms. Johnson’s main concern was traffic, particularly in the morning when parents would be dropping their children off at Marci’s home. There is a lot of school traffic on their street and also a lot of park traffic in the early spring and fall when school is in session and park visitors park on Adams as do school visitors when the school parking lot is full. Says there have been a number of backing-up accidents due to the narrow streets (Karen, her daughter, a repairman and her next door neighbor have all been involved in separate accidents). Says often she is unable to park in the street in front of her home because of the number of cars already parked there; backing out of the driveway is difficult because of the traffic, parked cars and the narrow street; her objections are mainly the traffic and the introduction of a business into a very residential area. The street is very busy and they are close to the intersection of 50th Street and Adams and drivers often make the turn onto Adams at a high rate of speed; her daughter was hit by a car there when she was in third grade. Said that though Marci watches only two children now, she is licensed to care for up to ten children and as word gets around there will be more pressure to accept more children and she could do that and that is something she does not want to see.

Ellen Marcee of 4957 Adams. Her main objection is also the traffic; people constantly use their driveway to turn around in. Their driveway is large and they do not have to park in front of their house but when her children and grandchildren visit from out of town they cannot park in front of her home; many times they have to park in the school parking lot because there are two cars

that are permanently parked on the street in front of their house. Said that Marci's letter indicated that she would start with three children, has a son of her own which makes four that she is caring for now; there is a possibility that she would be caring for two of her friend's children; she is licensed to care for as many as ten children. Thinks there is absolutely nowhere for all those cars to park. She too has hit a car on the street and when there is something going on at the school the traffic is just too much. She and her husband have lived in the city for forty-five years and are probably close to selling their home and she would rather not have to mention the day-care center next to their home to potential buyers. Commissioner Waters asked her how much traffic did she think the day care center would generate. She replied that if you have three children that's at least three additional people and possibly more because she is licensed to care for ten children. So, Commissioner Waters asked, if it's her plan to take care of two kids besides her own, we are talking about two cars a day and a maximum of ten cars and the cars don't stay there all day? Ellen reiterated her concerns about the narrow street, the traffic and limited number of places to park. Continued discussion about parking concerns, traffic and number of children allowed by the license.

Chairman Ross said that stipulations could be set on the number of children. Chairman Ross thanked Ellen for her comments.

Karen Johnson, 4950 Adams, asked to make one more comment and pointed out that the home next door to Marci is vacant and for sale and the future buyer would have no idea that there might be a day care next to them and they would have no say in the matter. She said she also spoke with a neighbor who could not attend the meeting this evening and that person is not in favor of the day care.

Continued discussion about the parking on Adams during certain times of the day. Chairman Lowe said he thought the parking was certainly something that should be considered but didn't know if there was a structure that could be presented to alleviate the concerns. Public Works Director was asked to clarify the parking situation around the school and on Adams.

Luke Hertenstein, Marci's husband, said that they have a long driveway and as he leaves early for work parents dropping off their children would be able to park in their driveway rather than the street.

Chairman Ross said that the public hearing is still open.

Karen Johnson, 4950 Adams, said that if the Commission was inclined to grant the application she would suggest granting it for one year only, as a trial, as she did not like to think they would be locked in for two years in case something unforeseen came up.

Chairman Ross thanked Karen for her comments and asked if anyone else would like to speak. No one came forward and Chairman Ross closed the public hearing and asked if there was further discussion from the Commission. There being none he said he would entertain a motion. Commissioner Waters motioned to approve a special use permit for the home occupation license

for a period of two years, for no more than five children, with a stipulation that there be no signage either temporary or permanent and, acknowledging that this couldn't be enforced, parents be encouraged to park in the Hertenstein's driveway. Commissioner Jagers seconded the motion. The Assistant City Clerk polled the commission; Rob Junk - yes, Ken Lowe - yes, Ken Jagers - yes, David Waters - yes, Justin Bridges - yes, Chairman Ross - yes. Chairman Ross stated the vote was unanimous and asked if the approval went to Council? City Attorney Denk read a clause in the ordinance giving parties 14 days to file a protest petition and the soonest the Commission's recommendation could go to Council would be May 10, 2012.

IV. Other business

Chairman Ross said that Blair Tanner was in town and there were some discussions about setting up a schedule for final plan approval for the Woodside Village project. He had cautioned Blair that the summer schedule could make it difficult to come up with a full quorum. It's also likely that this summer there may be some additional public hearing meetings concerning the project. In addition to that, there may be an application for a redevelopment project at the Apple Market and advised the members to keep in touch with City Hall.

VII. Adjournment

There being no further business to discuss, Commissioner Waters moved to adjourn the meeting. Second by Commissioner Lowe. Motion carried by unanimous voice vote.

APPROVED: _____
Christopher D. Ross, Chairman

ATTEST: _____
Rita Haas, Assistant City Clerk