

The City of Lee's Summit

Action Letter

Planning Commission

Thursday, October 21, 2021

5:00 PM

City Council Chambers and videoconference

Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, October 21, 2021, at 5:00 pm in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172.

Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Wednesday, October 20, 2021, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

Call to Order

Roll Call

Present: 8 - Chairperson Donnie Funk
Vice Chair Dana Arth
Board Member Randy Benbrook
Board Member Tanya Jana-Ford
Board Member Mark Kitchens
Board Member Jake Loveless
Board Member Cynda Rader
Board Member Terry Trafton

Absent: 1 - Board Member Matt Sanning

Approval of Agenda

A motion was made by Board Member Trafton, seconded by Board Member Kitchens, that this agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments at the meeting.

1. Approval of Consent Agenda

A. [BILL NO. 21-227](#)

An Ordinance accepting final plat entitled Hook Farms, 2nd Plat, Lots 100-178 and Tract I as a subdivision to the city of Lee's Summit, Missouri.
(Note: First read by Council on November 2, 2021. Passed by unanimous vote.)

A motion was made by Board Member Kitchens, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session. The motion

carried unanimously.

- B. [2021-4445](#) Minutes of the October 7, 2021, Planning Commission meeting

A motion was made by Board Member Kitchens, seconded by Board Member Rader, that the minutes be approved. The motion carried unanimously.

Public Hearings

2. **2021-4342** Public Hearing: Application #PL2021-262 - Rezoning from CP-2 to RP-4 and Preliminary Development Plan - Douglas Station Apartments, 3 NE Sycamore Street and 1141 NW Sloan Street; Cave State Development.

Chairperson Funk opened the hearing at 5:07 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jacob Engel of Cave State Development, gave his address as 569 Melville Avenue in St. Louis, Missouri. He confirmed that this was a hearing regarding Douglas Station Apartments that was heard on September 9, 2021. The application had been continued in order to address comments raised at that meeting. These had been about parking and the parking ratio, which needed to be 1.7 to 1.0; the need for more variation in the building elevations; and providing more amenities. A dog park had been specifically mentioned.

The previous proposal had been for 160 units on 6.33 acres, with 252 parking spaces. Tonight's revised application proposed 148 units, which reduced the parking ratio to 1.0. They had created more green space, which would include a dog park, by reducing the size of one of the apartment buildings. The displayed site plan showed this additional space on the south end of the site toward the middle. The renderings for the residential buildings now had three different variations, with two different colors of siding and brick. The community building had the same color siding but the brick now matched one of the color variations used on the residential buildings.

Mr. Engel added that the revisions to the development plan addressed the comments from the previous hearing. The applicants had worked on the parking plan to get to the desired ratio of 1.7 to 1 while reducing the unit count. The parking plan was based on the average parking needs at any given time; and 1.7 to 1 was a reasonable number based on existing multi-family properties and trends in that kind of development.

Following Mr. Engel's presentation, Chairperson Funk asked for staff comments.

Ms. Nelson entered Exhibit (A), list of exhibits 1-20 into the record. She stated that staff did not have any further to add to the applicant's proposal. The proposed revised elevations had been added to the Commissioners' Legistar packets.

Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he opened the hearing for Commissioners' questions for the applicant or staff.

Commissioner Benbrook noted that the new parking plan had cut guest parking from 80 spaces to 12. He asked how guests in the development would park if there were more than 12 at one time. Mr. Engel answered that they had not specifically revised the guest parking. The parking plan submitted with the initial preliminary development plan was based on 160 units. They had attempted to have everything on site and get to the desired ration while not requiring any supplemental parking off site.

Commissioner Benbrook responded that this had not answered his question. He noted that if a guest arrived in the evening they would find a total of only 12 guest parking spaces for a total

13 buildings; and asked where the guest would park if these were filled. Mr. Engel answered that there would not be assigned guest parking, as the 252 spaces were basically open parking and not assigned to specific buildings.

Commissioner Trafton asked if the reduction in units was done by eliminating a building or reducing some of them in size. He also asked if the number of two bedroom and three bedroom units had changed. Mr. Engel answered that the new plan did reduce the size of one of the buildings, with a total of 12 units being removed. Of these 12, six had two bedrooms and one bathroom and six had two bedrooms and two bathrooms. The new total was 58 two bedrooms and one bathroom units and 58 two bedrooms and two bathroom units and 32 three bedroom and two bathroom units. They had removed a total of 12 units, six of which were two bedrooms. That still left a majority of two bedroom units.

Commissioner Trafton remarked that the parking plan still looked like it had a ratio of 1.7. He asked if that was typical of other apartment complexes. Ms. Nelson responded that this was from the ITE calculation. She confirmed that the space where a building was removed was now a green space with a dog park. Previously, under the ITE the plan had been short by 20 spaces, on the basis of the ratio of 1.7 spaces per dwelling unit. Commissioner Trafton estimated that the 252 spaces for a total of 148 units did equal the 1.7 ratio. Ms. Nelson confirmed that this was within the ITE standard.

Commissioner Trafton asked when the idea of a dog park had been discussed, and Mr. Engel confirmed that this was discussed as one of the site amenities that could be available. The applicants hoped they would be able to add more amenities when the budget plans were in place. When the applicants began reworking the site plan, they decided to reduce the unit count rather than add the 20 spaces. That would enable them to get to the 1.7 required parking ratio. The additional space that would be provided by reducing the size of one of the residential buildings would make providing the dog park possible.

Commissioner Trafton then asked what kind of flexibility they might have if in the future should the residents decide that they wanted to see something else, such as pool. He acknowledged that a dog park would be a relatively inexpensive amenity compared with a pool. Mr. Engel responded that it would be difficult to add at a future date. Commissioner Trafton asked if a pool would eliminate or interfere with future funding options; and Mr. Engel answered that the objective was to provide a mixed-income development, with high quality housing. They did have to keep the budget and operating parameters in mind; and in terms of budget and operating expenses and a pool was not likely to work for this type of development.

Commissioner Kitchens first thanked Mr. Engel for listening to feedback and making adjustments. He recalled a mention at the earlier hearing that the applicant's funding source might have some requirements tied to funding approval. One of these was management of the facility; although that might not be relevant to approving a development plan. One question that the City Council was sure to ask was whether the applicant had met with the local School Board. Mr. Engel replied that he had already met with the superintendent, Dr. Buck, though not with the entire School Board. He had given Dr. Buck a summary of the information about the project.

Commissioner Kitchens noted that the increase of children in the local schools was a question that was often brought up. Mr. Engel stated that in Lee's Summit, the average for school attendance was one child for every two households. The proposed development would very likely have that same average. At 140 units, that would be a total of 70 children. Commissioner Kitchens remarked that he had brought this up at the earlier hearing, and that would be a concern from a development point of view. A typical safety point of view would focus on more children waiting for school buses. Replacing one of the buildings with a dog park would be consistent with what many people in Lee's Summit wanted to be available. However, although he knew this was a small property, the plan did still seem to be rather crowded.

Commissioner Kitchens recalled a mention at the last hearing to have parking across the street; and Mr. Engel answered that this was no longer being considered and was not on this revised site plan. It had been considered as a solution to the shortfall of about 20 parking spaces, and to provide enough supplemental parking to get to the goal of 272 parking spaces. It had been decided that a better approach would be to provide the necessary parking on site. They had managed to get to the 1.7 parking ratio by reducing the unit count to 148 and keeping the previous parking layout.

Commissioner Kitchens then recalled that the previous plan had included 'exposed' interior hallways; and asked if this had changed. Mr. Engel answered that these would be covered breezeways and not exactly exposed, as they would have secured entries. The hallways would be covered and secure, although they would have some open air spaces and would not be either heated or cooled. They would essentially be open to the air, but not to the weather elements like rain or snow. Commissioner Kitchens asked if it was likely that this part of the plan would be changed to enclosed stairwells; and Mr. Engel replied that at this point, this was not in either the budget or the plan.

Commissioner Kitchens commented that the dog park added a new element that he liked. He was not sure about the regulations for these parks but wanted to know if the dog park would be fenced. Mr. Engel did not have any details but stated that the park would definitely be designed and built to City standards.

Commissioner Kitchens noted that requirements were attached to the funding; and asked if these requirements were a factor in the number of proposed units. Mr. Engel did not consider anything in the funding related to the Planning Commission. Commissioner Kitchens asked how many parking spaces had originally been planned; and Mr. Engel answered that there were 252 spaces for 160 units. The 12 units that had been removed were split evenly between two bedrooms with one bathroom and two bedrooms with two bathrooms.

Commissioner Kitchens summarized that he still had a few concerns. He liked the siding on the elevations, though he did not like the appearance of open breezeways. He did understand that a pool and clubhouse would not be economically feasible; and commended Mr. Engel on being proactive in meeting with the School Board superintendent.

Commissioner Kitchens asked staff for some detail about the dog park. Mr. Johnson stated that this should be discussed with the Parks Department, where there was some experience with this kind of amenity. There were safety elements such as vestibules; and staff members would use that experience and expertise at the final development plan stage.

Mr. Elam cited some clarification and details in response to the question about schools. According to the School District's annual demographics report, the average student generation rate was about .45 per household for K-12th grade. It was not broken up into elementary, middle school and high school categories. Commissioner Kitchens asked about the population for Lee's Summit North schools, and Mr. Elam did not have that information. Commissioner Kitchens remarked that the School Board did need to be more open to meeting with proposed projects involving schools. He asked what was directly south of the proposed dog park, and Ms. Nelson displayed an aerial map showing the Police station and a walking trail. She then showed a map of parks within 1.5 miles of the proposed apartments; noting that this area included a number of parks, including a dog park. Commissioner Kitchens emphasized that he liked the idea of a dog park but would want to make sure that there were boundaries set up including a substantial fence. He would not want the police to be spending time catching dogs who had escaped from an off leash area that was not secured.

Chairperson Funk asked the Commissioners if they had any further comments.

Commissioner Loveless commended the applicant on the thorough presentation and the attention to all the relevant items. Regarding the parking, he was aware that the 1.7 ratio had been determined as a minimum; and he asked if that ratio had been applied to other similar developments that were specifically two and three bedroom products. His concern was about the 1.7 ratio and no one bedroom units in the development creating a potential parking shortage. Mr. Johnson answered that that staff used the International Transportation Engineers Parking Manual; and the ratio was based on averages throughout the country for apartment buildings with various bedroom counts. Since the 1.7 number was based on a national average, he could not tell whether this was applied to a community with a similar parking ratio. Commissioner Loveless asked about the ratio if the product mix did not include one bedroom units, and Mr. Johnson did not think a conclusion could be reached from that.

Chairperson Funk asked staff if they were comfortable with having 12 guest parking spaces. He remarked that with the number of units, if more than 12 or more people came to visit at any one time they might have trouble finding a place to park. He asked if there were any other applications or discussions about another similar type development close to this one that the Planning Commission should be aware of before making a decision. Mr. Elam noted that there were signs at the southeast corner of Commerce and Tudor about an application with the Missouri Housing Development Corporation (MHDC) for low income housing tax credits in that area. That project would come before the Planning Commission, pending the results of the MHDC application. Chairperson Funk asked about the size of that project, and Mr. Elam estimated 60 to 80 units.

Chairperson Funk asked Mr. Engel what interior finishes would be, such as stainless steel appliances, hard surface or laminated counter tops. He noted that Mr. Engel had mentioned high quality housing and that he was understandably trying to get some credits and funding. However, he also noted that there was no pools and no elevators and there were open breezeways. Mr. Engel answered that the units would have solid surface counter tops and stackable washers and dryers plus a laundry in the community building. They would not have stainless steel appliances. Floors would have vinyl plank flooring, and a standard appliance package.

Mr. Bushek reported that the City had executed a term sheet, showing the basic terms and conditions, with the property's potential developer. They proposed two phases of 66 units each, for a total of 132 units. Commissioner Kitchens asked if Mr. Bushek had any details about the bedroom numbers, and Mr. Bushek answered that in Phase 1, they proposed 32 one bedroom and 34 two bedroom units. He did not have specific information about Phase 2 other than the same number of units. He did know how many were low income vs. market rate. Commissioner Kitchens noted that this mix was similar to what the Commission was seeing at the proposed Tudor Road project; and Mr. Bushek added that about 90 percent of the Tudor Road units were low income, with the rest being market rate.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:42 p.m. and asked for discussion among the Commission members.

Commissioner Trafton stated that he had looked at the UDO standards regarding parking. Two parking spots per three bedroom units would total 64. The other 116 units would yield a total 174 parking spots, with a total of 238 spaces to cover all the UDO required parking. That would leave a net 14 visitor spots, two per building. That did seem to be rather light, with a net shortage of 60; though he did not think that ten visitor spots per building was necessary. It would be difficult to determine a set number of visitor parking spaces, as the number of visitors could not be predicted accurately. He could understand why staff would use the 1.7 ratio, which this project could meet. He knew the applicant had put in a lot of effort; and anticipated other similar projects and this was a good location.

Commissioner Benbrook thanked the applicant for his hard work in bringing this project back with so many of the requested changes, although he also had some concerns about parking.

Commissioner Kitchens acknowledged that he wished the Commission had more time with this. The parking and elevations were not quite what he would have wanted and the Commission had little information about the interiors. He also had a few security issues, including the open breezeways. He did believe that this was a good location for the project.

Commissioner Rader said she had done some homework and also did not like the area. She also did not like to see potential commercial property go away in favor of multi family development. The city already had a lot of multi family housing, and much of it was low income housing. She appreciated everything the applicant had done but did not feel she could support the application.

Commissioner Arth said she was still not very comfortable with the parking plan. She agreed with Commissioner Kitchens about the open breezeways. She also appreciated the applicant's hard work but was also not inclined to support the application.

Chairperson Funk said he was also not comfortable with the parking plan; and aspects such as open breezeways were also a concern. It would be difficult to rezone a property from CP-2 to RP-4 when the applicant had not secured any funding. That and the parking were the reasons he could also not support the application. He then called for a motion.

Commissioner Kitchens made a motion to recommend denial of continued Application PL2021-262, Rezoning from CP-2 to RP-4 and Preliminary Development Plan: Douglas Station Apartments, 3 NE Sycamore Street and 1141 NW Sloan Street; Cave State Development, applicant. Commissioner Arth seconded.

Chairperson Funk asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Kitchens, seconded by Vice Chair Arth, that this application be recommended for denial to the City Council - Regular Session. The motion carried by the following vote:

Aye: 6 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Rader

Nay: 2 - Board Member Benbrook
Board Member Trafton

Absent: 1 - Board Member Sanning

- a. **TMP-2028** An Ordinance approving a rezoning from CP-2 (Planned Community Commercial) to District RP-4 (Planned Apartment Residential) and preliminary development plan for Douglas Station Apartments, located at 3 NE Sycamore St and 1141 NW Sloan St., in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.
3. [2021-4477](#) Public Hearing: Appeal of Exterior Renovation Permit decision for trash enclosure materials at 216-218 SE Douglas St.

Chairperson Funk opened the hearing at 5:50 p.m. and announced the City staff would give their presentation first for this item. He asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McGuire entered Exhibit (A), list of exhibits 1-14 into the record. He related that the purpose of this hearing was to make a recommendation to the City Council on the appeals and denials of exterior renovation permits in the Downtown core area. An exterior renovation permit was required for all exterior work in that area, when the UDO design standards applied to a preliminary or final development plan were not required.

An application for an exterior renovation permit was received for construction of a new trash screening enclosure located at 216 and 218 SE Douglas Street. The applicant proposed to install a retaining wall with a concrete cap to create a pad level with the adjacent alley. The applicant also proposed to install a trash enclosure with steel frame construction, with Trex wood composite sidewalls. Design standards for the Downtown area required trash enclosures to have masonry walls. This exterior renovation permit had been denied, because the Trex wood composite siding proposed for the enclosure walls did not meet the UDO requirements. The applicant had appealed this decision.

Mr. McGuire summarized the process for an appeal. Tonight's Planning Commission hearing was the first step; and both the applicant and the City would present information to the Planning Commission. The Commission would then make a recommendation to the City Council, which would then decide whether to approve or deny the application; or to modify staff's decision. The UDO had 11 criteria for evaluating an appeal, which were included in the memo that the Commissioners had received.

The City had received a letter of support from Lee's Summit Downtown Main Street. It had been received after the packets had gone out at the end of last week, and had been included in an email to Commissioners. The City Council would get a copy as well. Mr. McGuire affirmed for Chairperson Funk that this letter had not gone any further than City staff.

Mr. Brad Culbertson gave his address as 209 SW Third Street in Lee's Summit, adding that Mrs. Carol Culbertson, who was present at the hearing, was an applicant as well. They owned several buildings along SE Main Street. One of them, at 219 SE Main, had formerly been the Peanut bar and grill and was now Calaveras, an upscale Mexican restaurant. They had considered using a small lot off the alley, about 15x40 feet, a common area enclosed dumpster and recycling site, including glass recycling. That would reduce or eliminate the clutter that had been in the alley, and would eliminate some existing dumpster bins.

The lot's former owner, Mr. Roger Fenter, had decided to not build anything on it and the City had then leased the land from him, putting in a public parking lot. Earlier in the process he had met with Mr. Mark Dunning about sub-leasing the lot; however the City had later modified their lease with Mr. Fenter to eliminate this small strip from the lease. The Culbertsons had then drafted their own lease to work with Mr. Fenter in making improvements. They had also earlier worked with Mr. McGuire about what they wanted to do with the pavestone.

One difficulty was that trucks could not pull in and pick up the dumpsters to empty them, due to overhead utility lines. The location was visible from the fire station, the dance academy and nearby businesses and they wanted to make this location as attractive as possible. Mr. Culbertson displayed several photos, some showing the current appearance of typical dumpster sites including an existing masonry enclosure that was accessible for trucks. One image showed a dumpster enclosure that had been allowed to date. What they wanted to substitute was an gated enclosure surrounded by a steel frame opaque fence. Mr. Culbertson remarked that a trash carrier had caused some damage to one of the buildings he owned; and he had installed bumper rails on this building. The type of enclosure displayed was easily repaired by just replacing slats if damage occurred. They had already installed the frame;

however, City staff had told them that they could not use this design.

Mr. Culbertson emphasized that the renovation he had proposed was an effort to make this necessary disposal site as visually attractive as possible. Evening parking was available, making the adjacent businesses easily accessible. People did often drive up and down the alley from the parking lot. This could be a blueprint or model for other common area dumpster sites Downtown. He had identified several other potential sites that could have shared use by nearby Downtown businesses.

At Chairperson Funk's request, Mr. Johnson and Mr. McGuire made the photo of the proposed steel frame with Trex attached visible to people attending via Zoom. Commissioner Loveless confirmed that it was visible.

Chairperson Funk then asked if there were any public comments concerning this application. There were none, and Chairperson Funk then opened the hearing for Commissioners' questions for the applicant or staff.

Commissioner Kitchens thanked the property owners who were present, and commended the applicants for wanting to make improvements. At his request, the applicant displayed a photo of the disposal area behind a former bakery he and his wife had formerly owned. He confirmed that this was and had been an issue Downtown; but it was common in all parts of the metro area for businesses to share dumpster space. They were typically put in locations where there was little public visibility. He mentioned that many municipalities had problems with businesses carrying full trash bags to public dumpsters. The idea of a communal trash disposal area was appealing, as any business had trash that had to be disposed of in some way. Mr. Culbertson commented that the applicants had been willing to take on risks, done some homework and met with other property owners. They considered this an opportunity, as a new restaurant nearby would be producing a lot of trash. The tenant to the north of the restaurant was a salon and had its own dumpster, as did the Whistle Stop. He was looking at these three tenants collectively, as they were within a short walking distance of where they disposed of their trash.

Mr. Culbertson emphasized that he and his wife were not interested in the trash disposal business. They would have a contract with the tenants; and they had already consulted with WCA, which was going to look into capacities for each tenant, who would each still be billed directly by WCA.

Chairperson Funk explained that this public hearing pertained only to the renovation, and did not need to involve a discussion about the business or the leasing process. They were in agreement about a community trash disposal site. Mr. McGuire clarified that staff was not opposed to the proposal; however, the Trax material was not in compliance with UDO standards. Commissioner Kitchens commented that another option was needed, and asked if a masonry material would be helpful. If a lightweight material like Trex was used for fencing, that encourage other property investors. Mr. Culbertson added that they would put curb bumpers inside of the enclosure to protect it from damage when dumpsters were moved.

Commissioner Benbrook stated that he had designed trash dumpsters, and he knew that although masonry dumpsters looked attractive, they were expensive and could easily damaged easily by trucks moving in and out. He then asked for some details about the procedures for emptying dumpsters into the trucks.

Mr. Culbertson displayed another image of the proposed design and pointed out the two primary openings, one eight feet and the other four feet. A second eight foot opening was on the other side of the telephone pole. These openings were gates. Most of the trash trucks that came Downtown were front loaders; and the procedure would be to move the truck in by opening the gates. WCA now had four-yard plastic lightweight bins that were much easier

to roll than the heavy steel ones. After the gates were opened, these would be rolled out, the contents dumped into the truck and then rolled back in. They would have two yards, one for grease disposal on the north pod, and disposal of cardboard and glass on the south pod. They had made one minor design change in making the step around the telephone pole a walk-in. That would mean that someone on foot with more than one trash bag would not need to set them down in order to open the gate. Again, they had met with WCA and they liked the convenience.

Commissioner Benbrook asked if the photos showed the framework already constructed, and that foundations for a masonry wall were not in place. Mr. Culbertson replied that this was correct. Commissioner Benbrook continued that masonry walls would involve some demolition and rebuilding. Mr. Culbertson that this would have to be done. He added that he and his wife had started this project in March of last year, and had made an earlier application, taking out the steel framework structure, retaining wall and slab. This application had been approved. Commissioner Benbrook said he liked the look of the design, and considered it an improvement over masonry. He asked if the applicant could agree to adding black painted bollards in front of the corners that the gates would attach to as a protection. They did look like light gauge steel tubes rather than what could be called structural steel; and could bend if something hit them. From the layout, it looked like only two would be needed; probably only in one corner due to a telephone pole that would provide some protection. Mr. Culbertson said he could consider that. The telephone pole stuck out about two feet in front of the framework; and the north end was the corner where he would consider a bollard. The trash trucks entered and exited north to south.

Commissioner Trafton asked about maintenance and upkeep of the proposed material; and if there would be any monitoring of upkeep and any need for repairs. Mr. Culbertson noted that his experienced with Trex went back over 20 years, when they put in a boat dock on the lake at Fort Scott. That dock was still there and in good shape. In this case, they would keep the structure looking attractive. In the case of damage, such as a car hitting one of the poles, he would call on Mr. Larry Douglas, who had experience with this kind of repair. Their lease with Mr. Fender specified carrying insurance; and the existing policy would cover the improvements. He knew that this was a durable material.

Commissioner Kitchens asked to see the photo of a masonry enclosed dumpster displayed earlier. It appeared to be missing a door and some of the blocks were broken. He asked if Codes would deal with that kind of problem. Mr. McGuire answered that Neighborhood Services could open a case and enforce that kind of property maintenance violation. Commissioner Kitchens asked if that would apply to a case like the one shown in the photo, and Mr. McGuire said that he did not know where that was; but it was clearly a violation and Neighborhood Services could look into it. Commissioner Kitchens suggested that City staff or Downtown Main Street might also want to do that.

Commissioner Trafton asked if the applicants had talked with some of the other tenants nearby, such as the dance studio. Mr. Culbertson answered that when he and his wife were there painting the steel frame and had several people walk over and ask what was going on. He noted that these nearby property owners were close enough to have been notified. They did need to create a base line and see what the capacities were with nearby tenants, as this trash enclosure could fill up quickly. Multiple pods would likely be needed. Commissioner Trafton acknowledged that this approach would be an improvement.

Commissioner Arth noted that the UDO specification that was not met concerned the enclosure and the material used. It did not pertain to the dumpster itself; but just having dumpsters behind buildings with no enclosure would definitely be less attractive. Mr. McGuire confirmed that the majority of dumpsters Downtown were just out close to the buildings and not enclosed. What the applicants were proposing would be a vast improvement on that.

Commissioner Rader stated that she'd had to put in a dumpster enclosure for her building. It was expensive to install but was an improvement in terms of appearance; and she liked the idea.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:30 p.m. and asked for discussion among the Commission members, or for a motion.

Commissioner Kitchens commended the applicants, adding that an approval would send a message to local businesses. Some changes to UDO might be in order for some districts, as it was easier to develop a Trex system than masonry.

Hearing no further discussion, Chairperson Funk called for a motion.

Commissioner Kitchens made a motion to recommend approval of Application PL2021-390, Exterior Renovation Permit Appeal: 216-218 SE Douglas Street, Culbertson Property Management applicant. Commissioner Rader seconded.

Mr. Bushek commented that in this situation, the UDO required that the City Council "affirm, reverse, or modify the decision of the Director". The motion was a recommendation to approve, which would not include any of those key words. By that motion, the Commission was recommending to the City Council that the decision be reversed; and the appeal granted. He asked if that was accurate; and Chairperson Funk replied that it was.

Chairperson Funk then called for a vote.

On the motion of Commissioner Kitchens, seconded by Commissioner Rader, the Planning Commission members voted unanimously by roll call vote to REVERSE the permit appeal to the City Council.

Roundtable

Concerning the second application, Commissioner Kitchens remarked that he would not approve trucks for everywhere in the city, but Downtown it did make sense due to limited space in alleys and the walkability in that area. He asked if it would be appropriate for the City to approve a change to the UDO for just that area. Mr. Elam replied that several design standards were in place for the Downtown district. Alternate materials were something City staff could look into. The idea of an appeal process instead of a UDO amendment was that it was more efficient in terms of speed. This opened up opportunities to discuss changes to approved materials in the UDO.

Mr. Elam reminded the Commission and staff about the event next Monday at the Stanley, at 11:00 a.m., 2:00 p.m. and 5:30 p.m. There would be sessions for programming feedback and public stakeholder engagement for the Downtown Market Plaza project across the street. These were open to the public. The 5:30 session would be posted as a joint Planning Commission and City Council meeting, if both groups had a quorum.

Mr. Bushek added that it was posted for the City Council, the committees and the Planning Commission for all three meetings. They could attend any or all of those meetings. He added that the 5:30 session was geared to elected or appointed officials.

Commissioner Trafton asked if a UDO update for signage could be worked into one of those meetings or if it would be a separate meeting. Mr. Elam noted that public hearing submissions had dropped, so there might be time to cover this at a regular meeting.

Mr. Elam also stated that concerning appointments to the CEDC [Community and Economic Development Council], the Planning Commission had an ex officio seat. The rules were not very specific as to how the Planning Commission was selected. Mr. Bushek cited that the City

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Code provision was that "one member of the Planning and Zoning Commission shall serve as an ex officio member of the Committee". It did not specify how that person was selected.

Chairperson Funk stated that historically, the City had just made that an appointment and have the Commission vote on it. He was currently on the CEDC and would attend the November meeting; but some changes would happen in December with a new Commissioner. He proposed appointing Commissioner Arth for that position of Chair. The Planning Commission then voted by roll call vote to approve the appointment of Commissioner Arth for Chairperson position.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 6:38 P.M.

For your convenience, Planning Commission agendas, as well as videos of Planning Commission meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"