

# LS Memorandum

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## City of Lee's Summit

To: [ Planning Commission ]

From: [ Development Services Department ]

C: [ File ]

Date: [ October 15, 2021 ]

Re: [ **Appl. #PL2021-390 Exterior Renovation Permit** - 216-218 SE Douglas St; Culbertson Property MGMT, applicant ]

### Background

The purpose of the hearing before the Planning Commission is to make a recommendation to the City Council on appeals of denials of exterior renovation permits in the Downtown Core Area. An exterior renovation permit is required for all exterior work in the Downtown Core Area when the design standards of Article 8 of the Unified Development Ordinance apply but the preliminary and final development plan review processes of Article 5 do not apply.

In this case, an exterior renovation permit was required for the construction of a new trash screening enclosure located at 216-218 SE Douglas St. The applicant proposes to install a 24"-high pavestone retaining wall with concrete cap to create a pad level with the adjacent alley. In addition to the retaining wall and pad, the applicant proposes to install a trash enclosure constructed of a steel frame with Trex wood composite sidewalls.

The site design standards of Section 8.440 of the UDO requires new trash enclosures be constructed of masonry walls with a steel gate painted to be compatible with the color of the masonry walls and the building it is to serve. Upon review, the subject exterior renovation permit was denied because the proposed material for the enclosure walls (Trex wood composite siding) does not meet the requirements of the UDO.

The applicant has appealed staff's denial of the subject exterior renovation permit.

### Exterior Renovation Permit Appeal Process

The Planning Commission shall hold a hearing upon notification by the Director of Development Services that an appeal has been filed. During the hearing, the applicant and Director, or others on their behalf, may present information and other evidentiary matters for the Planning Commission's consideration, but the formal rules of evidence shall not apply.

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Any person who received a mailed public hearing notice shall be permitted to provide information to the Planning Commission. The Planning Commission may also receive information from anyone who attends the hearing. Upon the close of the hearing, but not later than two regularly scheduled meetings of the Planning Commission, the Planning Commission shall submit to the City Council its recommendation on whether or not to affirm, reverse or modify the decision of the Director and the reasons for said recommendation. In doing so, the Planning Commission shall consider whether or not the application is compliant with the City's Code and guidelines, as well as the criteria set out in UDO Section 8.420.B.3.e. listed further below.

Upon receipt of the Planning Commission's recommendation, the City Clerk shall place the consideration of the appeal on the agenda of the next available regular session meeting of the City Council and provide notice to the applicant of the date, time and place that the appeal shall be heard by the City Council. The applicant may present evidence and testimony in support of his/her appeal before the City Council in the same manner as a public hearing for a rezoning of property. Staff shall prepare a staff report for consideration by the City Council summarizing the evidence and testimony presented by all parties at the Planning Commission hearing. Rules of evidence in a court tried case shall not apply.

## Analysis

In reaching its decision on the appeal and in addition to the recommendations of the Planning Commission, the City Council shall consider the following criteria under UDO Section 8.420.B.3.e as to whether or not the renovations contained within the application:

*(1) Are consistent with the adopted guidelines for the area;*

The proposed wood composite for the trash enclosure wall material is not consistent with the adopted guidelines for the Downtown Core, which calls for masonry walls with a steel gate.

*(2) Are compliant with City Code;*

The proposed wood composite is compliant with applicable City life/safety codes.

*(3) Propose to use materials that were used in Lee's Summit at the time the building or structure in question was built;*

The proposed wood composite will not be used on an existing building or other existing structure. The proposed wood composite will be used on a new construction screening enclosure for trash dumpsters, a grease dumpster and recycling containers serving multiple downtown buildings.

*(4) Tend to or do preserve or hinder historic preservation of the structure in the present and future;*

The proposed wood composite will not be used on an existing building or other existing structure. The requested use of material is limited to a new trash enclosure.

*(5) Are consistent with exteriors and materials currently used for buildings and structures in the immediate vicinity of the subject property;*

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Wood composite screening is currently in use on the north and south sides of the Smoke Brewing Company patio that is located diagonally adjacent from the trash enclosure location.



*Figure 1 - Smoke Brewing Company patio screening*

Real wood slats are used at 3<sup>rd</sup> Street Social to provide screening for their patio and to provide screening for their roof-top mechanical equipment.

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Figure 2 - 3rd Street Social patio and roof-top screening

*(6) Maintain historical aspects and architectural details of the building or structure including but not limited to location of doors, windows, and roofline;*

The proposed wood composite will not be used on an existing building or other existing structure. The requested use of material is limited to a new trash enclosure.

*(7) Have any impact on property values of the subject and adjacent properties;*

The proposed wood composite is not expected to have any negative impact on the property values of the subject or adjacent properties.

*(8) Have any impact on the structural integrity of the subject building or surrounding properties;*

The proposed wood composite will not be used on an existing building or other existing structure. The requested use of material is limited to a new stand-alone trash enclosure, therefore will not impact the structure integrity of any structures on surrounding properties.

*(9) Are consistent with the strategic plan for the Downtown Core;*

The 2004 Downtown Master Plan promotes cosmetic, safety and upkeep measures related to the utilitarian functions of the downtown alleys (e.g. trash service, utility location, pedestrian way, traffic way, etc.). The

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applicant's proposed use of wood composite material relates to the improved cosmetic appearance of a centralized waste and recycling service area for buildings in the vicinity.

*(10) Are consistent with the Secretary of the Interior's standards; and*

The Secretary of the Interior's standards do not apply in this instance. The Standards apply to the maintenance, repair and replacing of historic materials, as well as designing new additions or making alterations to a historic property.

*(11) Will have an adverse or favorable impact on future historic district applications of the Downtown Core area or adjacent properties.*

The proposed wood composite is not expected to adversely impact future historic district applications of the Downtown Core or adjacent properties. The trash enclosure location is an island within two parcels developed with only a parking lot. The subject parking lot properties sit immediately outside the boundary of the Lee's Summit Downtown Historic District because they do not house any contributing structures to said historic district. Abutting properties to the south and west are already included within the boundaries of the established historic district.

Attachments;

Exterior renovation permit application – 7 pages

Unified Development Ordinance Section 8.420 – 3 pages

Unified Development Ordinance Section 8.440 – 11 pages

Location Map |