

BEFORE THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI

In the matter of Application #PL2022-422 – Exterior Renovation Permit Appeal – 6 SW 2nd Street; Guy Gronberg Architects P.C., applicant

FINDINGS OF FACT

The above referenced application is an appeal seeking relief from City staff's denial of the exterior renovation permit at 6 SW 2nd Street ("Proposed Renovation"), the legal description for which was attached to the application (the "Subject Property"). The applicant was Guy Gronberg Architects P.C ("Applicant"). Upon consideration of the criteria and standards applicable to exterior renovation permits, including UDO Sections 8.420 and 8.440, and the evidence adduced at the public hearing, the City Council makes the following findings:

1. Guy Gronberg Architects P.C ("Applicant") filed an exterior renovation permit (Subject Application) in accordance with the established Design Standards for The Downtown Core Area as required by Article 8, Division I, Subdivision 8 of the Unified Development Ordinance.
2. The Applicant proposed to remove the existing mansard roof on the south elevation and replace it with a flat vertical wall surface utilizing cementitious siding and wall panels as depicted in the subject application.
3. City of Lee's Summit staff denied approval of the subject exterior renovation permit on December 2, 2022.
4. On December 5, 2022 the Applicant filed a written appeal with the City Clerk's office seeking relief from staff's denial of the exterior renovation permit.
5. After due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the appeal on January 12, 2023, and rendered a report to the City Council recommending that the appeal be sustained and that the permit should be issued.
6. The proposed cementitious siding is compliant with applicable City life/safety codes.
7. The proposed cementitious siding will not hinder historic preservation of the structure in the present and future as the subject building is not historic or located in a historic district.
8. Though the proposed cementitious siding is not currently used on the buildings and structures in the immediate vicinity of the subject property, a modification was granted for the approved Ellis Glen (#PL2022-192) allowing the use of cementitious siding on the street facing façade.

9. As the building is not listed as a historical structure, nor is it located in a historical district, no historical aspects or architectural details will be impacted.
10. The proposed cementitious siding is not expected to have any negative impact on the property values of the subject or adjacent properties.
11. The proposed cementitious siding will not impact the structural integrity of any structures or surrounding properties.
12. The 2004 Downtown Master Plan promotes cosmetic, safety and upkeep measures to existing structures in the Downtown Core. The applicant's proposed use of cementitious siding material relates to the improved cosmetic appearance and continued maintenance of the existing building.
13. 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.
14. The proposed cementitious siding is not expected to adversely impact future historic district applications of the Downtown Core or adjacent properties. The subject property sits outside the boundary of the Lee's Summit Downtown Historic District.

CONCLUSIONS OF LAW AND DECISION

That the City Council concludes that the Applicant has adequately satisfied the applicable criteria and standards regarding the issuance of a Exterior Renovation Permit at the Subject Property, including sections 8.420 and 8.440 of the City's Unified Development Ordinance. Specifically, this City Council, after 1) considering all of the evidence and testimony presented, 2) evaluating the credibility of each person presenting such evidence or testimony, 3) determining the relative weight to be given to the evidence or testimony, and 4) drawing reasonable inferences, finds that it is in the best interest of the community and the citizens of the City of Lee's Summit to sustain the Exterior Renovation Permit Appeal requested by the Applicant in that the renovation of the Subject Property is appropriate under the aforementioned criteria and standards. The Council concludes that the Applicant has made a sufficient showing to warrant the granting of the Application, and the Application is **SUSTAINED** and the permit shall be granted

It is ordered that a copy of the foregoing Findings of Fact, Conclusions of Law and Decision shall be provided to the Applicant. The City Clerk shall also mail a copy to any other person who provided their name and address during testimony at the public hearing on this matter.

ADOPTED by the City Council this _____ day of February, 2023.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

City Attorney Brian W. Head