



November 18, 2024

VIA ELECTRONIC MAIL

City Plan Commission
Attn: Larisa Chambi, Planning Supervisor
414 E. 12th Street, 15th Floor
Kansas City, MO 64106

RE: Case No. CD-CPC-2024-00140- Amending Sec. 88-516-06

Dear Commissioners:

Historic Kansas City is offering this testimony focused on the Subsections 88-516-06-A.1. b and c, related to what would constitute a major amendment to a development plan when there are changes to height and floor area other than M zoning districts.

The proposed modifications to Section 88-516-06-A.1. b and c potentially remove safeguards that have been in place since 2016 and for which Kansas City Neighborhood Advisory Council was the original applicant. There are broad negative implications to many residential neighborhoods by the modifications in these subsections that would have the effect of categorizing development plan modifications as a “minor” amendment to bypass meaningful public engagement.

Anything that is not a major amendment can be unilaterally approved by the Director of City Planning and Development without any further public engagement. If the modifications to Subsections 88-516-06-A.1. b and c are adopted, carefully negotiated changes to development plans by neighborhoods may be erased unilaterally by subsequent negotiations between the developer and the Director, without an opportunity for neighborhood concerns to be heard.

Notwithstanding the broad negative implications for many Midtown neighborhoods, there are particularly negative consequences to the Country Club Plaza, and its surrounding residential neighborhoods. The initial text amendment (being Committee Substitute for Ordinance No. 151036) had stated heights for the Base of the Plaza Bowl. Ordinance No. 151036 is codified in the Zoning Code Section 88-120-04-B, including Table 120-2. Further, the Country Club Plaza is defined in Section 88-810-395, and includes a map with maximum heights for the defined area of the Country Club Plaza. Portions of nearby property were height limited and were added by the Plaza Bowl Overlay District Ordinance No. 190100, on the north and west of the Country Club Plaza. Each of these height safeguards were incorporated into Chapter 88 after much careful consideration and study, including that embodied in the Midtown Plaza Area Plan, itself approved by the Council as Resolution No. 150899 on January 7, 2016.

There is a concrete example to illustrate the negative impact of such modifications: 4711 Belleview (the Lane4-Buckley project) that HKC, and surrounding neighborhood associations, supported, after negotiations of a step down and back of the structure and a reduction of the floor area of the upper level. It was Case No. CD-CPC-2019-00068.

The highest point was 116 feet 10 inches (the south end due to the change in grade), with the lowest being 80 feet 10 inches (the north end). If only the 10% height limitation was adopted as proposed Subsections 88-516-06-A.1. c, then approximately an entire floor could be added (with 11 feet of height per floor as shown by Sheet FDP.13 of their initially approved development plan) with only the Director of City Planning approval. The existing floor area

is 291,428 square feet. With the proposed change to 10% only in Subsections 88-516-06-A.1 b then approximately 29,142 square feet could be added, with only the Director of Planning approval. That is the approximate equivalent to the entire square footage of the existing 6th floor of residential units. See FDP.00 of their development plan. This example is from the Plaza area of a development plan approved with support from HKC, and surrounding neighborhoods, but not implemented, and so is still subject to change.

Portions of the Plaza area are covered by the Plaza Bowl Overlay District Ordinance No. 190100 that limits building heights on 47th St. and 46th Terr. between Madison Ave. (northbound Southwest Trafficway) on the west and Mill Creek Parkway (formerly known as J.C. Nichols Parkway) on the east. Building heights are limited to 45', 65', 90', 130' and 190' depending on location. As noted above, some Plaza properties were already covered by height limitations in 2016.

Unlike the other six overlay districts in the City, the 2019 Plaza Bowl Overlay District allows "deviations" to its height limits if approved by the City Council. However, the 2019 ordinance that created the Plaza Bowl Overlay District includes no standards or limits for evaluating requested deviations. There is a concern that modifications of Subsection 88-516-06-A.1.b and c increase the risk of Pandora effect if height limitations carefully put in place consistent with the area plan are not followed and allowed to be unilaterally modified by the Director negotiating directly with developers. Once a serious deviation is approved, every developer after that will replicate it and go even higher. It could lead to a collapse of overlay ordinances in Kansas City neighborhoods and is a threat to area planning.

Similar examples could be drawn from any number of areas in our City. Modifications as suggested for Subsections 88-516-06-A.1. b and c have serious negative implications for expansive building heights, density, and reduction in the quality of neighborhood character throughout the City, well beyond the Plaza, and the Midtown Neighborhoods experiencing development pressure. It applies equally to the Troost Corridor, Waldo, Historic Northeast, and Columbus Park to name just a few other neighborhoods with development pressure.

Passage of modifications to Subsections 88-516-06-A.1 b and c makes a statement that the concerns of existing residential neighborhoods don't matter when weighed on the same scale as the developers wish for a streamlined process.

Historic Kansas City encourages this Commission to recommend removing the modifications to Subsections 88-516-06-A.1. b and c and leave those Subsections largely unchanged.

Thank you for your consideration of these concerns.



Katheryn Shields, President



Amelia McIntyre, Board Member

Cc:

Mario Vasquez, Director of City Planning and Development

Diane Binckley, Deputy Director of City Planning and Development

November 18, 2024

RE: Case No. CD-CPC-2024-00140- Amending Sec. 88-516-06

Dear Commissioners:

Plaza Westport Neighborhood Association (“PWNA”) objects to the proposed modifications to Subsections 88-516-06-A.1. b and c, related to what would constitute a major amendment to a development plan when there are changes to height and floor area other than M zoning districts.

The proposed changes attempt to remove height and square footage limits and only base what is considered “major” as a percentage (or 15 feet in height) as follows:

88-516-06 AMENDMENTS TO DEVELOPMENT PLANS OR PROJECT PLANS 88-516-06-A. MAJOR AMENDMENTS

1. Major amendments to approved development plans or project plans must be reviewed and approved in accordance with the development plan or project plan review procedures of this ordinance. Major amendments to development plans or project plans include one or more changes, in cumulative total (when compared to the original plan approval), that would:

- a. increase building coverage by more than 10%;
- b. increase the total floor area by more than 10%;
- c. increase building height by more than 10% or 15 feet in all zoning districts except M, whichever is less;
- d. Increase building height by more than 10% in an M zoning district within 500 feet of a Residential zoning district;
- e. Increase the total impervious surface coverage by more than 10% or 10,000 square feet, in a zoning district within 500 feet of an R zoning district, whichever is less;

Our neighborhood is under significant development pressure, with developers continually requesting variances from the current zoning and applicable Midtown Plaza Area Plan. There would be serious negative effects on the Country Club Plaza, and its surrounding residential neighborhoods from these modifications.

Robert K Martin, President – PWNA
plazawestport.association@gmail.com

The proposed modifications to Section 88-516-06-A.1. b and c would remove safeguards, i.e. height and square footage limits, that have been in place since 2016. Anything that is not a major amendment can be unilaterally approved by the Director of City Planning and Development without any further public engagement. If the modifications to Subsections 88-516-06-A.1. b and c are adopted, negotiated development plans with neighborhoods may be altered unilaterally by subsequent dealings between the developer and the Director, without further public engagement. Indeed, developers would be incentivized into a “bait and switch” mentality to negotiate for variances to existing standards with the neighbors, then only to seek what they are really after in secret with the Director of Planning. Neighborhoods would be forced to consider in their dealings with developers that the developer is likely to seek additional floors or square footage from the Director. This is not a recipe for fair, good faith dealings with neighborhoods to reach consensus and will only lead to further distrust in the process.

The rationale offered by City Staff is also alarming, i.e. to allow for at least one additional floor in height as a secret modification and “minor” amendment in all circumstances, without any further public engagement.

PWNA asks that this Commission remove the modifications to Subsections 88-516-06-A.1. b and c and leave those Subsections unchanged.

Respectfully,



Robert Martin, Pres. PWNA



Neighborhood Advisory Council

City of Kansas City, Missouri

November 20, 2024

City Planning & Development
Commissioners, City Plan Commission
414 E 12th Street
Kansas City, Missouri 64106

RE: CD-CPC-2024-00140

Dear Commissioners & Staff,

The KCNAC Board of Directors continues to support the efforts of Historic Kansas City to protect the process through which development plans are approved and the value of the public involvement that informs project plans, area plans, overlay districts, and targeted reinvestment initiatives.

Once agreed-to, it is essential for the details of a development plan to be enforced unless or until another transparent amendment process is executed. This is particularly important when specific details of the plan are negotiated during the planning process. Without some assurance that those efforts and the community priorities they represent are respected, the integrity of the City's planning process will be damaged.

The KCNAC Board of Directors recommends removing the modifications to Subsections 8-516-06-A.1. b and c and leave those Subsections largely unchanged. Additionally, we respectfully call for broader education on the proposed text amendments to gather input from neighborhood and community advocates across the City.

To that end, the Neighborhood Advisory Council invites City Planning to present this information at an upcoming meeting and/or will host a special meeting to communicate the proposed changes in a setting that aligns with the spirit of the public engagement goals currently being developed by the City. We look forward to a joint effort that includes public input, City Staff, Council Members, and representatives from the Mayor and City Manager offices to ensure any necessary changes reflect the quality of life priorities of Kansas City residents.

Sincerely,

Tiffany Moore
Chair, Board of Directors
Kansas City Neighborhood Advisory Council

Kansas City Neighborhood Advisory Council Board of Directors

Jane Brown, 1st District Jennie Walters, 2nd District Jessie Jefferson, 3rd District
Olivia Meade, 4th District Tiffany Moore, 6th District
At-Large - Marquita Brockman-Taylor, Erin Royals, Stephanie Greene

Cc: Office of the Mayor
Office of the City Manager
City Council, Kansas City, Missouri