



January 10, 2024

VIA ELECTRONIC MAIL

Neighborhood Planning and Development Committee  
City of Kansas City Missouri  
414 E. 12th Street, 15th Floor  
Kansas City, MO 64106

RE: Ordinance No. 231047- Amending Chapter 88, Zoning & Development Code-Modifying Sec. 88-516-06

Dear City Council Members:

Historic Kansas City is offering this testimony since our request to have Ordinance No. 231047 continued was denied. Our continuance request was based upon a desire to have a more complete understanding of the impact of proposed changes, including those to Section 88-516-06, related to what would constitute a major amendment to a development plan.

We still request that Section 4 of Ordinance No. 231047 (that modifies Section 88-516-06) be struck in its entirety by means of a Committee Substitute and removed. After a more careful consideration of the implications to neighborhoods throughout the City, through meaningful public engagement, with those impacted neighborhoods, then a more reasonable, and less detrimental, ordinance focused on that concept may emerge.

Section 4 modifies Section 88-516-06 to remove safeguards that have been in place since 2016 and for which Kansas City Neighborhood Advisory Council (KCNAC) was the original applicant. We understand that KCNAC has not been consulted on any of the substantial code changes in Ordinance No. 231047, because it was deemed merely "text" amendments. But that seriously miscategorized the broad negative implications to many residential neighborhoods by the modifications in Ordinance No. 231047 and bypasses 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. This Section 4 of Ordinance No. 231047 is a complex issue with many ramifications, including neighborhood preservation and reasonable development throughout the City. If the modifications of Section 4 of Ordinance No. 231047 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.

There is a concrete example to illustrate the negative impact of Ordinance No. 231047: 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 by Ordinance No. 231047, 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 Ordinance No. 231047 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 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 are covered by the 2019 Plaza Bowl Overlay District Ordinance that limits building heights and land uses on 47th St. and 46th Terr. between Madison Ave. (northbound Southwest Trafficway) on the west and Main St. on the east. Building heights are limited to 45', 65', 90', 130' and 190' depending on location. Uses are more limited than otherwise would be permitted by the underlying zoning. Some Plaza properties were already covered by height and use limitations in 2016 and 2017.

Unlike the other six overlay districts in the City, the Plaza Bowl Overlay District allows "deviations" to its height limits if approved by the City Council. However, the ordinance that created the Plaza Bowl Overlay District includes no standards or limits for evaluating requested deviations. There is a concern that Ordinance No. 231047's modification of Section 88-516-06 increases the risk of Pandora effect if development plans carefully put in place 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. Ordinance No. 231047 has 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 Ordinance No. 231047 without consideration by the Kansas City Neighborhood Advisory Council and through other public engagement means with HKC and neighborhoods 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.

Failing in our effort to obtain a continuance, we encourage this Committee to recommend denial of Ordinance No. 231047, or at least strike Section 4 in its entirety.



Vicki Noteis, President



Lisa Lassman Briscoe, Executive Director