

Date: March 18, 2024

To: Neighborhood Planning and Development Committee

RE: **Please Oppose Ordinance No. 240217 re 4511-4521 Summit rezoning - Case No. CD-CPC-2023-00173**

The Plaza Westport Neighborhood Association board, on behalf of our entire Association, strongly **objects to Ordinance No. 240217, rezoning the property 4511-21 Summit, CD-CPC-2023-00173**. The Plaza Westport Neighborhood has experienced significant development over the past 20 years, and through the years we have worked constructively with developers on their projects.

We support increased reasonable density consistent with the *current* R-1.5 zoning that would allow nine units of these four lots that formerly contained four single family homes. Keeping the current R-1.5 zoning is consistent with the Midtown Plaza Area Plan (MPAP).

City staff advised you at your last hearing that the MPAP recommended land use is "high density residential". That's true, but working out the math reveals that **MPAP would allow for no more than 9 units for 0.33 acres**.

"High Density Residential" is defined on Page **28** of the MPAP. A supplemental copy of that page is attached. That definition is:

Intended for single-family, townhome, two-unit houses, multi-unit houses, multiplexes, and multi-unit buildings up to **29 units to the acre**. This land use classification **generally corresponds with the "R-1.5" zoning category within the zoning ordinance**.

It is important to consider the size of the area sought to be rezoned. It is slightly less than 1/3 of an acre. Even the City staff report refers to the size as "about .3 acre". City staff's recommendation in support of the rezoning is not implementing the MPAP's definitions and the density pursuant to that definition.

The rezoning being sought is to R-0.75, which would increase density and height, in excess of that which is recommended by the MPAP. We prepared and attached a chart that contrasts the impact of R-1.5 district lot and building standards with those that apply in a R-0.75 district. Based on the lot and building standards that currently apply to this property in a R-1.5 zoning district, and the square footage from the City's Parcel Viewer, 9 units would be permitted. That is what is consistent with the MPAP's definition of "high density residential" of 29 units to the acre for this approximately .3 acre site. **That density is what PWNA would support.**

In addition, other planning recommendations of the MPAP are not being followed. By way of example, the Planning Recommendations and Supplemental Development Area Map shows

that this specific area should maintain the predominant form. (MPAP Page 39 and 64) At that time of adoption of the MPAP, there would have been four single family homes that have since been allowed to deteriorate and are now demolished. It was a case of demolition by neglect.

It is also enlightening to review the specific recommendation in MPAP for this specific study area. See MPAP, page 69. In significant part:

- 46th Street is to serve as a boundary between "high-rise" development on the southside of 46th St., and the traditional lower scale development pattern on the northside of 46th St.
- No high-rise development should extend north of 46th Street into the Plaza Westport neighborhood.

Please note that based on the chart the maximum height for the existing zoning R-1.5 district is 45 feet. That is also consistent with the MPAP Bowl Concept. See MPAP, page 45. If the zoning district is changed to R-0.75 the maximum height could be 60 feet inconsistent with the MPAP.

The property is currently zoned R-1.5 and was when the developer purchased the four lots. The developer inquired of the City Planning staff about the zoning before the purchase; they knew or should have known the building and lot standard limitations from R-1.5 when they purchased. Instead, they pursued rezoning with a substantially increased density and height.

In a R-1.5 district the developer could construct nine-unit multi-family project based on the minimum lot area square feet per unit of 1,500, with a maximum height of 45 feet. But instead of applying the building and lot standards of a R-1.5 district to a proposed development, the developer has sought a rezoning to a R-0.75 district to increase the number of units and the height of the overall project. In a R-0.75 district the minimum lot area per square foot per unit is 750, substantially increasing density, and the maximum height is 60 feet.

The immediate property to the west, east, north and southeast is all zoned R-1.5. This rezoning to R-0.75 appears to be "spot zoning" that is not favored under the law. City staff have cast a broader net out of the immediately impacted area to support their recommendation contrary to the MPAP. This rezoning is contrary to the City's own review criteria for a rezoning in Municipal Code Section 88-515-08-B as this proposed rezoning does not take into account the zoning and use of nearby property.

What the developer is seeking is a rezoning without approval of a development plan which means that what is shown to this Committee, the City Plan Commission, PWNA, and the surrounding neighbors is not binding. They could change the construction site plan without any further public engagement being required by the Municipal Code. This project is below the threshold of the number of units to which development plan or project plan requirements would require public engagement. The developer would only need to seek and obtain approval

of a construction site plan from the Director of City Planning as a part of the building permit process.

The developer has refused to consider a rezoning to MPD, that would link the development plan to the rezoning. Further, City staff denied the neighborhood this safeguard although MPD zoning has been used throughout the neighborhood, including by this developer.

PWNA would not object to the development project if it stayed within existing zoning district of R-1.5 and the associated building and lot standards. Our objections to rezoning this property are rather simple, straightforward, and compelling:

- *There is NO compelling reason from the developer* for rezoning that satisfies the criteria for rezoning, according to City Code: “88-515-08 REVIEW CRITERIA”. Financial gain is NOT a compelling reason for the City to change zoning.
- There are *multiple reasons for retaining the current zoning*:
 1. The traffic and parking infrastructure related to Summit and Headwood streets are already inadequate. The streets were originally designed for single-family residences. Increased density at that site will be detrimental to the surrounding properties from inadequate infrastructure, including streets that can’t reasonably support that density. **These nearby owners have expressed reasonable concerns about the detrimental effects from inadequate infrastructure to support the density of the proposed rezoning sufficient that the review criteria of Section 88-515-8-D isn’t met. That should be a basis for denying this rezoning.**
 2. The surrounding residences (eg., the Brentwood and 46 Jefferson condominiums) are against rezoning for increased density at that site because it will deleteriously affect their quality of life and safety. Access of emergency vehicles is already impaired on Headwood. Details of their objections are found in their letters. **The review criteria of Section 88-515-08-G is not satisfied and should be a basis for denying the rezoning.**
 3. The owners of the surrounding condominium residential properties (that are mostly owner-occupied residences) have substantially invested in the neighborhood, based on the reasonable expectations that the City would uphold the zoning in place throughout the neighborhood, which is R-1.5. City staff and the developer cite the development to the south as a rationale to shift to the more intense zoning of R-0.75. But that different developer shifted access to Summit off of Headwood, as a compromise in that *negotiated* redevelopment. Instead this developer is proposing is to shift vehicular traffic solely from Headwood, a narrow dead end street, already shared by the Brentwood and 46 Jefferson condominiums.
 4. **These owners have expressed reasonable concerns about the gains to their public health, safety and welfare from denying the proposed rezoning sufficient that the review criteria of Section 88-515-8-H can be basis for denying this rezoning**, when weighted against the feasible use of the property to construct a nine-unit multi-family project under the existing zoning of R-1.5.
 5. **This four-lot site can still be used to construct a nine-unit multi-family structure so it has a suitable use under the existing zoning of R-1.5, and therefore, the review criteria of Section 88-515-8-E does not justify the increased intensity to R-0.75, solely to**

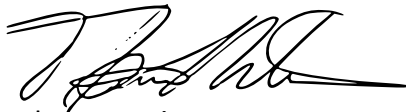
increase a return to a developer who should have known what was permitted in the existing zoning.

6. **The rezoning does not comply with the guidelines of the Midtown Plaza Area Plan. Accordingly, the review criteria of Section 88-515-08-A is not met.** The guidelines of the MPAP that aren't met, include:
- a. The planning recommendation for the east side of Summit was to maintain the predominant form. See Page 49 of MPAP. At the time of passage of the MPAP was single family houses. See also Page 68 of the MPAP for more specific information for Planning Area C, in which this property is located.
 - b. The recommended land use for the east side of Summit was high density residential. See Page 43 of the MPAP. But by definition in the MPAP that would be 29 units to the acre and would be consistent with the existing R-1.5 zoning, not an increase in density.
 - c. The Bowl Concept as shown on page 45 of MPAP indicates that the maximum height should be 45 feet (or three stories), which is consistent with the existing R-1.5 zoning but not the 60 feet maximum height of the requested R-0.75 zoning.

Existing standards and regulations should be enforced by the City until the criteria in 88-515-08 are met in a comprehensive manner. The applicant has the burden of proof to show how those criteria are met, and has not yet met that burden.

"Spot zoning" is not a wise and judicious method of urban planning. It jeopardizes the willingness of investors, including homeowners, to purchase property in reliance of existing zoning building and lot standards for compatible development.

With gratitude for your wisdom and careful analysis,



Robert Martin
President, PWNA



RESIDENTIAL MEDIUM-HIGH - Intended for single family, townhome, two-unit houses, and multi-unit houses (3 to 8 dwelling units) up to 17.4 units per acre. This land use classification generally corresponds with the "R-2.5" zoning category within the zoning ordinance.



RESIDENTIAL HIGH - Intended for single-family, townhome, two-unit houses, multi-unit houses, multiplexes, and multi-unit buildings up to 29 units per acre. This land use classification generally corresponds with the "R-1.5" zoning category within the zoning ordinance.



RESIDENTIAL URBAN - Intended for the highest density developments, up to 145 units per acre. This land use classification generally corresponds with the "R-0.3" and "R-0.5" zoning categories within the zoning ordinance.



MIXED USE NEIGHBORHOOD - Primarily intended to accommodate and promote neighborhood serving retail sales or service uses, as well as mixed-use development consisting of business uses on a building's lower floors and residential uses on upper floors. This type of vertical, mixed-use development that includes a variety of business and residential choices should enhance the pedestrian environment of the community. Encouraging residential development in mixed-use areas provides increased housing choice and promotes higher density housing. This land use classification generally corresponds with the "B1" zoning category within the zoning ordinance.



MIXED USE COMMUNITY - Primarily intended to accommodate and promote a variety of community-serving retail sales or service uses generally of a higher intensity and larger scale than what is allowed in Mixed Use Neighborhood areas. This category should include a mix of business and residential uses designed to enhance the pedestrian environment of the community and generally corresponds with the "B2" zoning category within the zoning ordinance.



COMMERCIAL - Primarily intended to accommodate "heavier" commercial activities and/or operations that are not found in or compatible with mixed-use neighborhood oriented environments. Included are large-scale commercial development targeted in designated areas along major arterials. This land use classification generally corresponds with the "B3" and "B4" zoning category within the zoning ordinance.



OFFICE - Primarily intended to accommodate professional, administrative and corporate office uses (uses that require a large public interface should be reserved for Commercial and Mixed-Use areas).

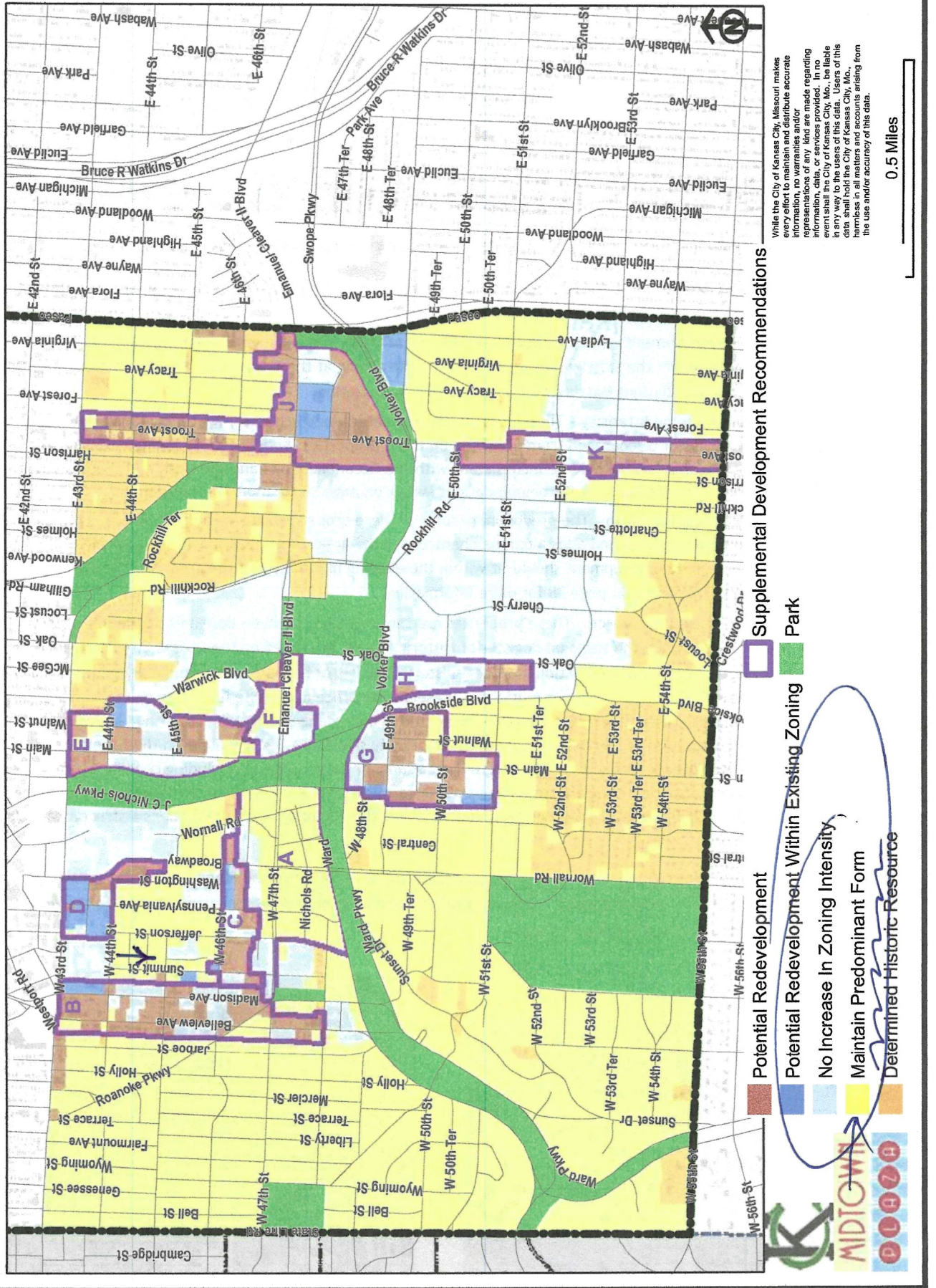


FIG. 4.7 - PLANNING RECOMMENDATIONS MAP

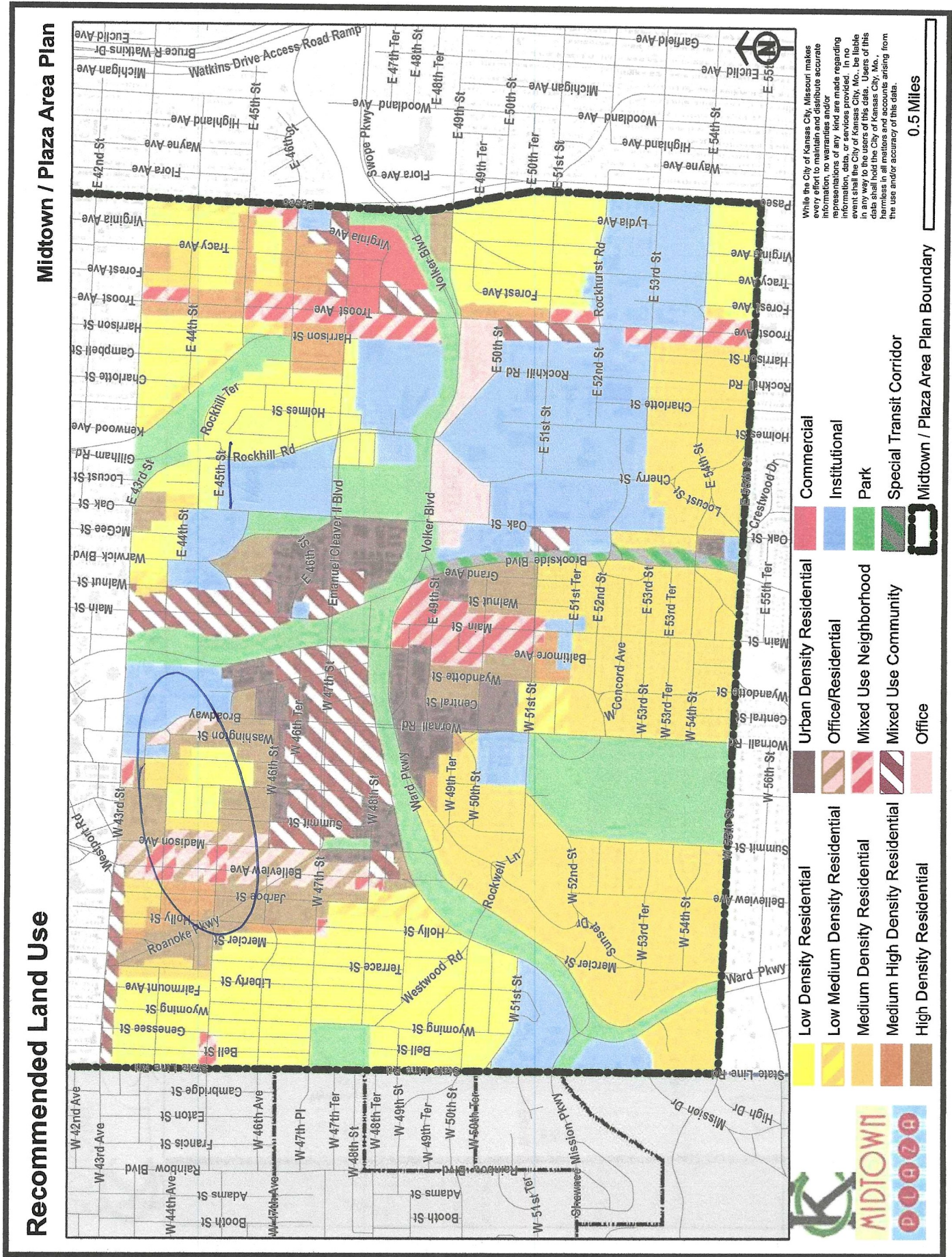
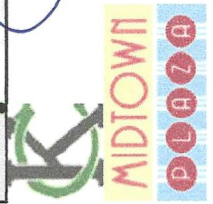


FIG. 4.9 - PLAZA SUB AREA RECOMMENDED LAND USE MAP

Bowl Concept

Midtown / Plaza Area Plan



- 45' (Maximum of 3 stories)
- 26' - 65' (Minimum of 2 stories, Maximum of 5 stories)
- 45' - 90' (Minimum of 3 stories, Maximum of 7 stories)
- 45' - 130' (Minimum of 3 stories, Maximum of 10 stories)
- 45'-195' (Minimum of 3 stories, Maximum of 15 stories)
- 45'-250' (Minimum of 3 stories, Maximum of 19 stories)

While the City of Kansas City, Missouri makes every effort to maintain and distribute accurate information, no warranties and/or representations of any kind are made regarding the accuracy or completeness of the information. The City of Kansas City, Mo., shall not be liable in any way to the users of this data. Users of this data shall hold the City of Kansas City, Mo., harmless in all matters and accounts arising from the use and/or accuracy of this data.

0.3 Miles

FIG. 4.10 - BOWL CONCEPT MAP

DESCRIPTION OF THE AREA

Plaza Planning Area B **Midtown / Plaza Area Plan**

Legend:

- Plaza Sub Area
- Supplemental Development Recommendations
- Parks
- Potential Redevelopment
- Potential Redevelopment Within Existing Zoning
- No Increase in Zoning Intensity
- Maintain Predominant Form
- Determined Historic Resource

Scale: 0.1 Miles

FIG. 4.16 - PLAZA PLANNING AREA B MAP

PLANNING RECOMMENDATIONS

The following are planning recommendations, specific to Planning Area C:

- Two of the “Potential Redevelopment” sites within this area are “Approved Unbuilt” projects. While these exact projects may never be constructed, the locations are still appropriate for redevelopment. If amendments are made to the approved development plans they should be in accordance with the recommendations of this Plan.
 - Victory Court - 4622 Pennsylvania Avenue - 207,000 SF 14-story Class A office building and 6,500 SF of restaurant space with structured parking for 725 spaces (Approved 2013)
 - The Plaza Steppes Phase III - south side of 46th, between Summit and Jefferson Summit - a 12-story hotel with 200 rooms, an 8 story senior living facility with 234 living units (Last Amended 2012)

SPECIFIC RECOMMENDATIONS

The Recommended Land Use Map, Development Form Guidelines, and Bowl Concept should be consulted for general development recommendations within this area. The following recommendations provide further site specific recommendations that, in instances of inconsistency, supersede Recommended Land Use, Development Form, and the Bowl Concept.

- **46th Street:** 46th Street will serve as the boundary between “high-rise” developments on the south of 46th Street and the traditional lower scale development pattern of the Plaza-Westport Neighborhood on the north side of 46th Street.
 - The building setback of future development facing 46th Street should be consistent with the 25’ setback of established development.
 - To maintain a building “streetwall,” and not disrupt walkability of the area, vehicular access should not be provided onto 46th Street.
 - On street parking along 46th Street should remain as a way to calm the street and provide a buffer between the higher intensity and neighborhood scale uses.
 - If a development’s traffic study requires access onto 46th Street and / or the removal of on street parking on 46th Street, another solution must be sought, as these are fundamental principles to buffer the neighborhood and maintain the area’s character.
 - The on street parking on 46th Street should not be restricted by time (for example, a 2 hour time limit). The outcome of a time restriction could increase traffic movements along this street, compromising the impact of on street parking as a buffer.
 - No high-rise development shall extend north of 46th Street into the Plaza Westport Neighborhood. Future development in that area shall be developed consistently with the recommendations of this Plan.
- **Height Zone Transitions:** The Country Club Plaza District, which serves as the “base of the bowl” has a recommendation of 45’ maximum building height. To the north, there is a transition from this “low” area to areas where taller buildings are allowed to be a maximum of 130’ to the west of Broadway and to a maximum of 90’ to the east of Broadway. Unlike 46th Street to the north which is separated by ROW, these areas of transitions abut one another along parcel lines. Instead of using space for a transition, the following strategies should be employed:
 - Use of complementary materials and architectural character, setbacks, scale and orientation of buildings.
 - Gradually step down building height.
 - Integration of small green spaces, courtyards, squares, and plazas should be used whenever appropriate, given the character of the area.
 - A combination of landscaping, walls or fences should be used where other transition tools are not possible, but should not mask areas from view and decrease “natural surveillance.
 - Provide “finished edges” on all sides of a building using materials and level of architectural detail that is consistent with the primary elevation(s).

4511-21 Summit

Case No. CD-CPC-2023-00173

Analysis Comparing R-1.5 (Current Zoning) to R-.75 (Proposed Zoning) Without Impact of Infill Development Regulations

Multi-Unit Buildings are Permitted in Both Zoning Districts

Key Elements for Conventional Development Lot and Building Standards [Section 88-110-06-A]

Zoning District	Minimum Lot Area Square Feet	Minimum Lot Area Square Feet per Unit	Maximum Height	Minimum Front Setback % of Lot Depth	Minimum Back Setback % of Lot Depth
R-1.5	3,000	1,500	45	15%	25%
R-.75	3,000	750	60	15%	25%

Computation of Aggregate Square Footage of Four Lots to be Combined

Address of Parcel	Square Feet in Parcel
4511 Summit	3,304.396
4515 Summit	3,201.656
4517 Summit	3,523.192
4521 Summit	3,349.166
Total Square Feet of Combined 4 Parcels for Redevelopment	13,378.41

Total Units Permitted by Zoning District

Zoning District	Number of Units Permitted Based on Parcel Square Footage
R-1.5	8.92 units, rounded to 9
R-.75	17.84 units, rounded to 18