



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

12/04/2024

Project Name
Periodic Review Amendments

Docket #7

Request
CD-CPC-2024-00168
Periodic Review Amendments to the Zoning and Development Code

Applicant
City Planning and Development

KC Spirit Playbook Alignment
The proposal meets the Historic Preservation Community Supported: to strengthen and streamline the historic preservation ordinance. Action #8: Create a demolition delay review as part of historic preservation ordinance and a deconstruction requirement

APPROVAL PROCESS



SUMMARY OF REQUEST + KEY POINTS

The proposed Demolition Review process will provide a predictable process for reviewing requests to demolish buildings by establishing an appropriate waiting period during which the City and the Applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City. It will provide an opportunity for the public to comment on the issues regarding the demolition of a particular building with the goal of minimizing the number and extent of building demolitions where no immediate re-use of the site is planned.

REQUIRED PUBLIC ENGAGEMENT

Standard protocol for periodic review text amendments is to post drafts to the City's website approximately 30 days in advance of the City Plan Commission hearing. This protocol was followed. The website provides a feedback form and to date no feedback has been received. Additionally, staff held a public engagement meeting on November 12, 2024. Sign in sheet and comments provided in Attachment #3.

CONTROLLING + RELATED CASES

None.

PROFESSIONAL STAFF RECOMMENDATION

Docket # Approval

DEMOLITION REVIEW

Below is a summary of the three processes for reviewing demolitions.

EXEMPT FROM DEMOLITION REVIEW

- Properties listed on Kansas City Register (They will follow the historic review process)
- Buildings less than 50 years old
- Accessory buildings less than 200 square feet
- Buildings determined not eligible for historic listing in the last 4 years
- Dangerous buildings as establish in Chapter 56

STAFF REVIEW WITH NOTICE

Staff may approve demolitions for properties deemed not eligible for listing on the National Register of Historic Places with a seven (7) day notice sent to the Historic Preservation Commission, the registered neighborhood association and Citizen Connect contacts. If a member of the historic preservation commission objects in writing by email within seven calendar days of notification, then the case will be forwarded to the next commission meeting. If no commission member objects in 7 days, the demolition will be approved.

COMMISSION REVIEW

- The historic preservation commission must hold a public hearing on the proposed demolition within 45 days of receipt of the application.
- They will make a determination if the property is eligible for listing on the Kansas City or National Register of Historic Places.
- If the property is found to be listed or eligible for listing on either the Kansas City or National Register of Historic Places, then no demolition permit shall be issued for a period of 45 days following the date of the decision of the commission.

ATTACHMENTS

1. Draft Language
2. Public Engagement
3. Communications Received

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **Approval** of the text amendment.

Respectfully Submitted,



Bradley Wolf, AICP
City Historic Preservation Officer

Draft 10.18.2024

88-586 DEMOLITION REVIEW

88-586-01 PURPOSE

Demolition Review provides a predictable process for reviewing requests to demolish buildings by:

1. establishing an appropriate waiting period during which the City and the Applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City;
2. providing an opportunity for the public to comment on the issues regarding the demolition of a particular building; and by
3. minimizing the number and extent of building demolition where no immediate re-use of the site is planned.

88-586-02 APPLICATION

1. Applications required under this zoning and development code must be submitted in a form and in such numbers as required by the official responsible for accepting the application.

88-586-03 DEMOLITION APPLICATIONS EXEMPT FROM REVIEW

1. Applications for demolition of existing structures which are already designated to the Kansas City Register of Historic Places (H/O Overlay) shall follow the procedures set out in 88-585-05.
2. Applications for demolition of existing structures which have a pending application for designation to the Kansas City Register of Historic Places (H/O Overlay) shall follow the procedures set out in 88-580-01-A(4).
3. Applications for demolition of an existing structure, which is not a current, planned, or pending Landmark or part of a Historic District, must be reviewed and approved by the Historic Preservation Commission or staff.

88-586-04 STAFF REVIEW OF DEMOLITION APPLICATIONS WITHOUT PUBLIC NOTICE

1. The city planning and development director is hereby authorized to approve the demolition permit applications for buildings without review by the historic preservation commission:
 - (a) if the structures are less than 50 years old; or
 - (b) if the structure is an accessory building that is less than 200 square feet; or

- (c) if structures that have been determined not eligible for listing on the National Register of Historic Places within the preceding four years of the application date for the demolition permit; or
 - (d) if the building has been declared dangerous according to the procedures established in Chapter 56, Article V.
2. The city planning and development director may refer any demolition permit application to the historic preservation commission for review for any reason.
 3. The city planning and development director must report on administratively approved demolition permit applications at the historic preservation commission's next regular meeting.

88-586-05 STAFF REVIEW OF DEMOLITION APPLICATIONS WITH PUBLIC NOTICE

1. Staff review of demolition permit applications with notice to the historic preservation commission and public.
 - (a) The city planning and development director is hereby authorized to approve the demolition permit applications for buildings without review by the historic preservation commission at a regular meeting if staff determines the property is not eligible for listing on the National Register of Historic Places and if no member of the historic preservation commission objects, in writing by email, to the city planning and development director's administrative approval within seven calendar days of notification. If a commission member objects, then the application must be forwarded to the historic preservation commission for review in accordance with the procedures set in 88-586-05;
 - (b) Notice of the administrative approval of demolition permit applications shall be sent to members of the historic preservation commission, posted to the city's website, emailed to the registered neighborhood association, and to citizens who requested alerts in Citizen Connect.
 - (c) The city planning and development director may refer any demolition permit application to the historic preservation commission for review for any reason.
 - (d) The city planning and development director must report on administratively approved demolition permit applications at the historic preservation commission's next regular meeting.

88-586-06 COMMISSION REVIEW OF DEMOLITION APPLICATIONS

1. Historic Preservation Commission review of demolition permit applications.

- (a) Those demolition permit applications that are not administratively approved shall be forwarded to the historic preservation commission for review at their next regularly scheduled meeting or special meeting if required.
- (b) The historic preservation commission must hold a public hearing on the proposed demolition within 45 days of receipt of the application and must make a finding that:
 - (i) that the structure is listed on the National Register of Historic Places and retains historic integrity; or
 - (ii) that the structure is eligible for listing on the Kansas City or National Register of Historic Places based on the U.S. Department of Interior's National Register of Historic Places criteria, including the historic, cultural, aesthetic, or architectural significance of the building, structure, site, object, or district; or
 - (iii) that the structure is not eligible for listing on the Kansas City or National Registers based on the above criteria.
- (c) If the commission does not make a recommendation within 45 days, the demolition permit application is deemed approved and may be issued.
- (d) If the property is found to be ineligible for listing, the demolition permit application may proceed through the normal approval process.
- (e) If the property is found to be listed or eligible for listing on either the Kansas City or National Register of Historic Places, then no demolition permit shall be issued for a period of 45 days following the date of the decision of the commission.

88-586-07 NOTICE OF HEARING

1. REQUIRED NEWSPAPER NOTICE

Notice of required public hearings on review of demolition permit applications must be published in the newspaper at least 15 days before the date of the public hearing.

2. REQUIRED MAILED NOTICE

Notice of required public hearings on review of demolition permit applications must be mailed at least 13 days before the date of the hearing to the subject property owner, any registered neighborhood organization, and/or registered civic organization whose boundaries include the subject property, and to all owners of property within 300 feet of the subject property.

Public Comments

TEXT AMENDMENT PUBLIC MEETING, TUESDAY, NOVEMBER 12TH 2:00-4:00PM, 14TH FLOOR OF CITY HALL

NAME	ARE YOU A RESIDENT OR PART OF AN ORGANIZATION?	ADDRESS	EMAIL ADDRESS	TELEPHONE NUMBER
Bethany Dyche	Yes Architects	7520 Washington St KC, MO 64114	bethched@ymach.com	816 529 1816
Jacob Hodson	Olsson	1301 Burlingame	Shodson@olsson.com	
Amelia McIntyre	Resident and Plaza Westport and Hike	4545 Wornall Rd, KC MO	mcintyre.amelia@gmail.com	(816) 863-4063
Vicki Nottels	RESIDENT + HISTORIC BOARD	H# 55 th TER KCMO 64113	vicki.nottels@lincolnstetis.com	816 651 0931
Bruce Wolff	Lewis Rice KC	1010 Walnut St 800 Kansas City, MO 64108	bruce@lewisrice.com	816-398-0888
Travis W. Kierulff	KEWAL	5711 FI C. Fy Hall	travis.kierulff@keno.org	816 - 513-2139
Goby Crowl	McQuae LSPC	1700 Swift Blvd KCMO 64116	crowl@mcquaevision.com	816 756-0444
Benton Bells	Tadferro Brane	1020 E 81 st	bells@tbrang.com	283 3452
SEAN ACKERSON	Southern Council	601 S 1631, ST3320	seane@southtown.org	816-523-5553

Appreciate diligence for the preparation of draft. Delay / actually a review / period is not unreasonable when balanced with maintaining historic fabric of our Community.

Potentially extends the 3yr waiting period to 5/7/10 yrs, & then making the economic hardship application more lenient upfront so that bad actors don't wait out the demo-period



CITY PLAN COMMISSION

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

Attachment #3 – Communications Received

Name	Stance	Format of Receiving
Plaza Westport Neighborhood Association	Supports	Email
Historic Kansas City	Supports	Email
Union Hill Neighborhood Association	Supports	Email

November 26, 2024

publicengagement@kcmo.org

City Plan Commission, City Planning & Development Department
Kansas City Missouri City Hall, 414 East 12th Street, 15th Floor, Kansas City, MO 64106

Re: Case No. CD-CPC-2024-00168
City-wide Demolition Delay Ordinance, PWNA Support

To Members of the City Plan Commission:

On behalf of the Plaza Westport Neighborhood Association (PWNA), *we support the proposed City-wide Demolition Delay Ordinance.*

Unfortunately, many demolitions in our Plaza Westport neighborhood go unnoticed until the situation is often too late for preservation. Developers utilize demolition by neglect to the detriment of our neighborhood. Many neglected single family homes, that are occupied and provide affordable housing, have been torn down quickly after evictions have been served. Suddenly, our neighbors vanish to expedite increased density of multi-family housing at a much higher price point. This is displacement of existing residents for the mere sake of density and increased profits.

The irony is that these demolitions occur with promises of “infill” development, but often that development gets stalled out, even after the developer’s rezoning request is rubber stamped by this City Plan Commission. Expedited demolition and rezoning doesn’t ensure prompt action on the developer. *So why not allow forethought ahead of the demolition?*

Based on our neighborhood’s experience, we share Historic Kansas City’s perspective that the City as a whole could *benefit from adopting a demolition delay ordinance.* By allowing a specific amount of time for owners, preservationists and concerned residents of impacted neighborhoods to work together to determine the fate of a proposed structure, everyone could avoid situations of disagreement and another structural loss disintegrating the fabric of a residential neighborhood.

PWNA recommends that the Commission vote to APPROVE Case No. CD-CPC-2024-00168, Demolition Delay Ordinance.

Respectfully,



Robert Martin, Pres. PWNA

cc: Brad Wolf, bradley.wolf@kcmo.org



November 26, 2024

publicengagement@kcmo.org

City Plan Commission
City Planning & Development Department
Kansas City Missouri City Hall
414 East 12th Street, 15th Floor
Kansas City, MO 64106

**Re: Case No. CD-CPC-2024-00168
City-wide Demolition Delay Ordinance**

To Members of the City Plan Commission:

We write on behalf of Historic Kansas City (HKC) and in support of the proposed City-wide Demolition Delay Ordinance.

Since its founding in 1974, Historic Kansas City has been the only greater Kansas City nonprofit organization dedicated to the preservation of the area's heritage, neighborhoods, and historic built environment. Through advocacy, public policy, outreach, and educational programming, HKC is an advocate for the thoughtful and meaningful preservation and rehabilitation of historic buildings, landscapes, and neighborhoods.

In some cities across the United States, when a building is slated for demolition, the likelihood of it being demolished is high. Kansas City, Missouri is one of those cities. That is because Kansas City does not enforce a demolition delay of buildings before they are demolished.

Demolition delay is a legal tool that allows cities and other communities the means for a preservation commission to evaluate a structure before it is demolished to potentially preserve significant buildings and structures. In a National Trust preservation law publication, Julia H. Miller refers to the process as "a safety net for historic resources to ensure that buildings and structures worthy of preservation are not inadvertently demolished."

In Chicago, a demolition-delay ordinance was adopted by the City Council in 2003. This ordinance allows for a grace period of 90 days to allow for the Department of Planning and Development to further explore suitable decisions as to the fate of certain historic buildings. The purpose of this allows the Historic Preservation Division to ensure that no historic structures are demolished before efforts can be made if the structure can be preserved for the future.

Pittsfield, Massachusetts is a smaller town but still has a demolition delay ordinance for historic structures over 75 years old. The intent is like many others that encourages owners to consider other ways to view older buildings. This promotes preservation, rehabilitation, or restoration rather than demolition or inappropriate alterations. The difference between Pittsfield's demolition delay ordinance is that their designated grace period is six months instead of Chicago's 90-day period.

Many other cities that are smaller, larger, and of a similar caliber to Kansas City utilize these measures to make sure their heritage is not lost to quick demolition efforts. Many demolitions in Kansas City go unnoticed until the situation is often too late for preservation. Kansas City as a whole could benefit from adopting a demolition delay ordinance. By allowing a specific amount of time for preservationists, rehabilitation specialists, structural

engineers, architects, developers, and other people in the field to work together to determine the fate of a proposed structure, everyone could avoid situations of disagreement and another structural loss.

In the past, Kansas City has lost countless structures that could have been saved. A specific example downtown includes the Cosby Hotel building. Instead of the high cost of demolition, preservation was less expensive than demolition costs that were potentially going to be paid for by the city. Now the building is home to a new generation of street-front businesses that are thriving during Kansas City's downtown renaissance. Other buildings could hold the same future in other areas of the city assuming they are not demolished beforehand. This example was an extreme success story. The news was out not 24 hours before demolition was to begin. How many other structures have been lost because news of demolition has been made available too late? What would happen if everyone was made knowledgeable of an upcoming demolition? Once the historic fabric of an area is lost, it can't be regained.

Providing a means to review proposed demolitions encourages preservation of structures also evidences the city's environmental commitment decreasing their carbon footprint. Adaptive reuse of historic structures utilizes less new materials than entirely new construction and decreases the need for demolition or construction materials landfills. Preservation is not an effort that is meant to be handled at the last minute in a too little too late situation. Preservation is an alternative option. Historic structures in Kansas City are finite resources. By adopting an ordinance that allows for all involved to work together appropriately instead of scrambling in defense against each other, the future of development may evolve in a progressive way.

HKC recommends that the Commission vote to APPROVE Case No. CD-CPC-2024-00168, Demolition Delay Ordinance.

Best regards,



Katheryn Shields
President



Lisa Lassman Briscoe,
Executive Director

cc: Brad Wolf, bradley.wolf@kcmo.org
Larisa Chambi, Larisa.Chambi@kcmo.org

November 25, 2024

City Plan Commission
City Planning & Development Department
Kansas City Missouri City Hall
414 East 12th Street, 15th Floor
Kansas City, MO 64106

Re: Case No. CD-CPC-2024-00168 City-wide Demolition Delay Ordinance

To Members of the City Plan Commission:

The Union Hill Neighborhood Association supports the proposed city-wide Demolition Delay Ordinance. **Case No. CD-CPC-2024-00168**

Cities of all sizes have similar ordinances which have helped prevent inadvertent demolition of structures that have historic value and offer potential for continued contribution to the urban fabric through renovation, restoration and adaptive reuse. It is time for Kansas City to allow extra time for the wider community to assess this potential before resorting to demolition.

In an era where we hope to see continued resurgence of urban neighborhoods and continued positive development within city boundaries, the Union Hill Neighborhood Association believes allowing time for full transparency is the best way to give residents of all neighborhoods an opportunity to have reasonable input on the environment where they have invested their lives.

The Union Hill Neighborhood Association recommends that the Commission vote to APPROVE Case No. CD-CPC-2024-00168, Demolition Delay Ordinance.

Thank you for hearing us,

Union Hill Neighborhood Association Board of Directors

- Stacy Garrett – President
- Jim Edson – Vice President
- Randi Mixdorf
- Paul Tymosko -Treasurer
- Alex East – Secretary
- Leonard Graham
- Chris Cornwell

cc: Brad Wolf, bradley.wolf@kcmo.org