



January 3, 2025

VIA ELECTRONIC MAIL

Neighborhood Planning and Development Committee
Mayor Pro Tem Ryana Parks-Shaw, Chairperson
4th District Councilmember Eric Bunch, Vice Chairperson
1st District Councilmember Nathan Willett, Committee Member
3rd District At Large Councilmember, Melissa Patterson-Hazley, Committee Member

Supplemental Copy to City Clerk at public.testimony@kcmo.org

Courtesy Copy to Larisa Chambi, Planning Supervisor

RE: Ordinance No. 241093-Case No. CD-CPC-2024-00140- Amending Sec. 88-516-06

Dear Mayor Pro Tem and Committee Members:

Historic Kansas City is offering this supplemental testimony for Ordinance No. 241093. We are requesting that you consider recommending a Committee Substitute in the form attached. Those changes are focused upon two things:

- (1) upholding the public engagement efforts of City registered neighborhoods with developers, and
- (2) strengthening the Council oversight of further amendments to be approved solely by administrative staff to a development plan that was previously approved by the Council.

HKC's prior testimony before the City Plan Commission (CPC), as incorporated in the City staff report, asked that changes to Subsections 88-516-06-A.1. b and c be struck. This request for a Committee Substitute is being offered to address some of the concerns we gathered from others since the CPC hearing from a variety of historic neighborhoods.

The proposed modifications in Ordinance No. 241093 to Section 88-516-06-A.1. b and c potentially remove safeguards that have been in place since 2016. There are broad negative implications to many residential neighborhoods from 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 in the form of Ordinance No. 241093, as introduced, were 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. Our suggested Committee Substitute tries to strike a balance to allow some changes to be administratively approved but allows Councilmembers in which the proposed development is to be located to raise an objection, and to require the proposed amendment to the development plan to be considered by at least the City Plan Commission. The Committee Substitute requires notice be given to those Councilmembers and the City registered neighborhood associations in which the proposed development is to be located.

Notwithstanding the broad negative implications for many residential neighborhoods facing development pressure, 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.

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.

Our testimony included in the staff report cites a specific example. But similar examples could be drawn from any number of areas in our City. Ordinance No. 241093 modifications 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.

Historic Kansas City encourages this Committee to adopt the Committee Substitute being requested.

Thank you for your consideration of these concerns.



Katheryn Shields, President



Amelia McIntyre, Board Member

Attachment: Proposed Form of Committee Substitute

Cc:

Mario Vasquez, Director of City Planning and Development