

April 28, 2025

Neighborhood Planning and Development Committee

Mayor Pro Tem Ryana Parks-Shaw, Chairperson

4<sup>th</sup> District Councilmember Eric Bunch, Vice Chairperson

1<sup>st</sup> District Councilmember Nathan Willett, Committee Member

3<sup>rd</sup> District At Large Councilmember, Melissa Patterson-Hazley, Committee Member

*Supplemental Copy to City Clerk at [public.testimony@kcmo.org](mailto:public.testimony@kcmo.org)*

*Courtesy Copy to Larisa Chambi, Planning Supervisor*

**Re: Ordinance No. 250344-CD-CPC-2025-00013-4538 Wornall-the Lewer Apartment Development**

Dear Mayor Pro Tem and Committee Members:

Plaza Westport Neighborhood Association (PWNA) is asking for the Neighborhood Planning and Development Committee to hold Ordinance No. 250344 until further revisions can be made to the development plan for the Lewer Property. We understand that the developer intends to further refine the development plan to add additional parking and better achieve green space. Holding this Ordinance in the NPD Committee until those revisions will help assure the neighborhood that their concerns are being addressed. These two items were also areas of concern for the City Plan Commission. In addition, we request that you consider and approve a Committee Substitute for Ordinance, substantially in the form of which is provided.

The Lewer property covers an entire City block, from W. 46<sup>th</sup> St. on the south, to W. 45<sup>th</sup> Terrace, on the north, and Wornall Road on the east, and Broadway, on the west (Lewer Site). The development plan is for a 278-apartment complex which is a substantial deviation above the 172 units otherwise permitted under the current zoning district standards. It is not a rezoning, but approval of a development plan with a deviation request that substantially increases density, and the waiver or removal of setbacks. It is more like a rezoning to the more intense R-0.3 zoning.

We want to make it clear that PWNA understands that redevelopment will occur, but we contend that such redevelopment should conform to the density and setback requirements of the existing R-0.5 zoning, to reduce the negative impact on our neighborhood. The basis for our request is that we understand urban living, but we believe that new development in an existing neighborhood should not burden surrounding neighbors. It is the responsibility of the developer to be good neighbors. The Lewer family has owned the Lewer Site for a substantial period and should know the density and setback requirements. Existing neighbors bought their homes with an understanding of those rules, and it is our expectation that the Council uphold and apply those rules. We have an existing parking problem in our

neighborhood. KCPD is stretched and needs to focus on crime, also in our neighborhood, and compounding the parking problem with new dense housing serves no one.

More specifically, PWNA's requests are that you support its efforts to require that the development plan:

1. **Decrease density** by reducing the number of units.
2. **Increase setbacks, or decrease the amount waived**, but we acknowledge that the developer intends to shift from planters to green space to accommodate their pet residents. ***Alternatively, instead of waiving all setback, limit the waiver to the extent shown on the development plan. The attached Committee Substitute offers a way to achieve that request.***
3. **Include parking fee in rent.**
  - There are three ordinances related to three other multi-family complexes in our Plaza Westport Neighborhood, in which those developers agreed to ordinance conditions of one parking space per bedroom, and to include the parking fee in the rent. That has been a consistent, and we believe reasonable, request from the neighborhood perspective. Those ordinances are:
    - Committee Substitute for Ordinance No. 170489, as to Mirabelle Phase 2, the southwest quadrant of W. 45th and Wornall Road-see condition Section A, number 9, page 4.
    - Committee Substitute for Ordinance No. 170832, as to 44th and Washington-see condition number 21, page 5.
    - Ordinance No. 240023, as to 4627 Madison-see conditions 10 and 11, page 3.
  - All of these projects, only one of which has been built, are in our Plaza Westport neighborhood.
  - We are not asking anything different than what we have asked of other developers of multi-family projects. Why should this particular developer receive more beneficial treatment?
  - ***The attached Committee Substitute offers a way to achieve that request.***
4. **Incorporate the concept of the Sounding Board into the authorizing ordinance** (same as the Cascade Hotel).
  - The developer met once with the Sounding Board on April 3. Representatives on the Sounding Board are PWNA, Historic Kansas City, and Parkway Towers, Mill Creek Terrace Flats, 4646 Broadway condominium communities that share the block of the proposed development.
  - Please note the language by which the Sounding Board concept for the Cascade was built into Ordinance No. 160359, Section C, Item 7. There is precedent for this request.



5. **Include a condition about cooperation and information sharing during the construction process** to reduce negative impact on surrounding neighborhood, particularly as to demolition traffic, construction traffic and construction staging.
6. **Focus on safety during construction**, including requiring a permanent versus mobile crane.
  - That was a question raised by CPC Chairman Coby Cowl, who is an engineer by background, and the developer's response was a mobile crane, which seemed to give him some pause.
  - High wind events are becoming increasingly common and increase the risk to surrounding property from mobile cranes.
7. **Continue to evaluate the curb management plan for impact on surrounding residential properties.**
  - The initial Sounding Board meeting was beginning to shape a loading area for package delivery vehicles nearer the entry to the garage off of 46<sup>th</sup> St. where the storage area for those packages will be located. However, a developer only meeting with the City Engineer shifted that location to Wornall Road, which is a route to the emergency entrance to St. Luke's located at 45<sup>th</sup> and Wornall Road.
  - Consider the parking needs of the area in terms of their totality. Buses serving the Cascade Hotel currently idle on Wornall Road on the east side of the Lower Site. Traffic needs to be looked at area wide, not just a particular development.

**The attached Committee Substitute offers a way to achieve each of these PWNA requests.**

Thanks for considering these requests from PWNA. We ask that you hold Ordinance No. 250344 until the developer adjusts their development plan to increase the setback and provide more parking spaces, and adopt a Committee Substitute, with the additional conditions incorporated.

Sincerely,

**Plaza Westport Neighborhood Association**

By Robert K. Martin, President  
rkmartinkc@gmail.com

Cc: Andrea Bough, 6<sup>th</sup> District At-Large Councilmember  
Johnathan Duncan, 6<sup>th</sup> District Councilmember

Attachment: Proposed Form of Committee Substitute for Ordinance No. 250344

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 250344

title

Sponsor: Director of City Planning and Development Department

Approving a development plan on about 1.98 acres for approximately 278 units in District R-0.5 generally located on parcels encompassed by Broadway Boulevard on the west, West 45th Terrace on the north, Wornall Road on the east, and West 46th Street on the south to allow for a residential development plan serving as a preliminary plat. (CD-CPC-2025-00013)

body

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District R-0.5 (Residential 0.5) generally located on parcels encompassed by Broadway Boulevard on the west, West 45th Terrace on the north, Wornall Road on the east, and West 46th Street on the south, and more specifically described as follows:

Lot 17 Wornall Park

Lot 18 Wornall Park

Wornall Park Lots 19 thru 21

Wornall Park Lot 22

310-12 W 46th St / Lot 23 e 25 ft of Lot 24 Wornall Park

W 10 ft of Lot 24 all Lot 25 e 10 ft of Lot 26 Wornall Park

4535-41 Broadway 318-24 W 46th St Wornall Park w 25 ft Lot 26 all  
Lots 27 thru 30

Wornall Park e 7 ft of s 40 ft Lot 12 & w 30.5 ft of s 40 ft Lot 13

4531 Broadway / s 49 ft lot 10 s 49 ft of w 28 ft Lot 11 s 40ft of e 7 ft  
Lot 11 s 40 ft of w 28 ft Lot 12 Wornall Park



Wornall Park n 58 ft Lot 10 & n 58 ft of w 28 ft Lot 11

309-23 W 45th Ter Wornall Park e 7 ft Lot 11 exc s 40 ft all Lot 12 exc  
s 40 ft all Lot 13 exc s 40 ft of w 30.5 ft all Lots 14 thru 16

is hereby approved, subject to the following conditions:

1. Prior to issuance of the certificate of occupancy for each lot within the plat the developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy.

2. All signage shall conform to 88-445 and shall require a sign permit prior to installation.

3. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.

4. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with Section 88-425-08 of the Zoning and Development Code.

5. Approving deviations to 88-110, Lot and Building Standards for the following standards:

~~a. A complete deviation to the front setback, to allow for a 0' (foot) front setback.~~

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~~b. A complete deviation to the rear setback, to allow for a 0' (foot) rear setback.~~

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~~c. A complete deviation to the side setback (both sides), to allow for a 0' (foot) side setback.~~

~~a. A partial deviation for the setbacks as shown on the development plan (but not less than those shown on the development plan uploaded into COMPASS on April 11, 2025), as may be revised to show more setbacks through the removal of planters to provide more green space along the street right of way.~~

b. Any subsequent modification of the development plan to reduce setbacks shall not be considered a minor amendment to be administratively approved solely by the Director of City Planning and Development, and shall be after public engagement including with the Sounding Board as defined below.

~~dc.~~ A deviation to the minimum lot area per unit (square foot), to allow for 278 units, an increase of 109 units, provided no further deviation of the square feet of lot area shall not be considered a minor amendment to the development plan.

6. The developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to a certificate of occupancy, provided, however, lighting on the upper floors shall be directed downward only to avoid light intrusion into the surrounding residential properties to the west, north and east.

7. The applicant shall request from the Public Works Department a review of curb management on all four sides, and shall take into account the existing uses from the commercial use of a hotel and restaurants to the south, as well as existing demands for on-street parking from existing residences and customers of the commercial uses to the south.

8. Prior to the issuance of the certificate of occupancy, the applicant must submit, gain approval of, and record a final plat.

9. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA 241-2013 § 8.7.2) Fire hydrant distribution shall follow IFC-2018 Table C102.1.

10. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)

11. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)

12. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the

building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1 and NFPA1221)

13. The developer shall consider adding reinforcement to the exterior residential doors of the property for safety. Items such as jamb brace or metal door frames have been proven to lower the risk of crimes.

14. The developer shall consider adding 180-degree eye viewers, such as a peephole to the exterior residential doors of the property for safety as this allows a person to see outside the door prior to unlocking and/or opening the door.

15. The developer shall be responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the 2025 acquisition rate of \$20,065.67 per acre. This requirement shall be satisfied prior to a certificate of occupancy.

16. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.

17. The developer shall submit construction plans in compliance with adopted standards for street improvements indicated on the plans, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.

18. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.

19. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.

20. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division



and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.

21. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.

22. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.

23. The developer shall enter into a covenant agreement for the maintenance of private decorative paving and streetscaping located within the public right-of-way as required by the Land Development Division, prior to recording the plat.

24. No water service line will be less than 1-1/2" in diameter where three or more units or commercial building will be served by one domestic service line and meter.

25. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development, without reducing the water pressure to surrounding residential properties.

26. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to issuance of a certificate of occupancy.

27. The developer shall submit water main extension plans prepared by a Missouri professional engineer for all necessary public water distribution improvements to water mains and fire hydrants. Public fire hydrants shall be spaced at 300' max. around the perimeter streets. Plans shall be approved and under contract (permitted) prior to building permit issuance.

28. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, by making application under said code for a minor subdivision and submitting and recording a lot consolidation plat or replatting the property in accordance therewith.

29. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Kansas City Water Services Department evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the disturbed area to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Kansas City Water Services Department prior to recording the plat.

30. The developer shall obtain the executed and recorded City approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.

31. The developer shall submit plans for grading, siltation, and erosion control to the Kansas City Water Services Department for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.

32. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention BMP as required by the Kansas City Water Services Department, prior to recording the plat.

33. The developer agrees to not separate parking fee from rent, so that at least each unit has at least one parking space, to reduce the demand for on-street parking.



34. During the process of any further amendments to the development plan, or finalizing the construction site plan, the developer will work with a select group of no more than three resident owner individuals from the condominium associations of Parkway Towers, 4646 Broadway and Mill Creek Terrace Flats, plus a representative each from Plaza Westport Neighborhood Association, and the Historic Kansas City Foundation which representatives will act as a sounding board and to provide input, with an emphasis on timely engagement, and response (collectively referred to as Sounding Board), The architectural exterior design in a contextual design compatible with the setting will be a subject for and monitoring by the Sounding Board in collaboration with the developer, but also the nature of setbacks to assure green space, curb management and parking. The Sounding Board shall also be a means to advise surrounding residential properties of impacts during demolition and construction.

35. The developer shall take steps to cause their contractors to not encroach unto surrounding residential properties including, without limitation, the use of private drives for construction vehicles. The developer will not seek to narrow traffic lanes on both Broadway and Wornall Road at the same time during construction being mindful that an emergency entrance for St. Luke's Hospital is located at 45<sup>th</sup> St. and Wornall Road. The developer will use the Sounding Board to discuss and advise on traffic impact during demolition and construction.

36. The developer shall utilize a permanent crane versus a mobile crane during the construction to reduce the risk to surrounding property, as the latter increases the risk of collapse, including from high winds.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

Section B. That the Council finds and declares that before taking any action on the proposed amendment and development plan hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

end

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.



Secretary, City Plan Commission

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Sara Copeland, FAICP

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney