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To: [Public Engagement](#)
Cc: [Clarke, Andrew](#); [Chambi, Larisa](#); [Bunch, Eric](#); kathryn.shields@kcmo.org; [Public Testimony](#)
Subject: Request CD-CPC-2022-00174 Rezoning from district UR to district UR Development Plan
Date: Tuesday, March 7, 2023 9:03:35 AM
Attachments: [image001.png](#)

Hello, I am writing in opposition to this project as currently proposed. The project does not satisfy the rezoning criteria and therefore should not be approved. I am a KCMO resident and I use this parking lot when I visit the River Market. A dense urban core is a good goal and we should work towards it. But you must follow not only good planning principals for these projects, you are also required to follow your ordinances to review/approve them. The project's failure to satisfy the rezoning criteria is shown by the Staff Report itself. Specifically, the project does not satisfy D, E, F, G and H of your required criteria in "88-515-08 - REVIEW CRITERIA". These are items the City *must* consider. Whether or not an area has parking requirements or not, that does not abdicate the City's obligation to analyze projects under the existing framework and when they do not meet the requirements, those projects should be denied or redesigned until they meet the requirements.

D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment; The proposed development is located in the Downtown Streetcar Area, with the future expansion of the streetcar extending east/west along 5th Street. The developer will need to continue to work with the Kansas City Streetcar Authority to ensure the extension of the streetcar tracks, location of the overhead contact system (OCS) poles, proposed landscaping (height of trees), storm water runoff, and permits are addressed and in compliance with the future extension. The developer submitted an RFP that stated 80 of the proposed parking stalls would be reserved for City Market tenants free of charge, in the submittal to City Planning, the developer is proposing 28 tenant parking spaces. Due to the location of the property in the Downtown Streetcar Area, there is no minimum required number of parking spaces.

The developer worked with the KC River Market tenants to discuss loading and parking issues, both came to an agreement of a loading zone located along Main Street. The loading area will need to be striped and designated as a loading zone with a sign listing loading times

Response: *This section of the Staff Report admits that this project is taking infrastructure away from current users (public and the City's own tenants) and giving it away, exacerbating an infrastructure problem (lack of parking), not solving one. There may be "no minimum required number of parking spaces" but the Review Criteria still apply and this section of your Review Criteria is not satisfied.*

E. Suitability of the subject property for the use to which it has been restricted under the existing zoning regulations;

Under the previously approved UR Plan, the subject property was only allowed to be used as a parking lot, the River Market Area is growing and in need of additional residential units. There have been two mixed-use buildings recently approved in the area. The property is one of the last parking areas in the River Market, however due to the location, no minimum amount of parking is required and with the extension of the streetcar there is a push for multimodal forms of transportation.

Response: *The City made a decision to restrict this for a parking lot. It is used as a parking lot by the public every single day. It is not only suitable for this use, the City made a legislative determination that it was the only use for it, a long time ago. Moreover it is used by the employees for the businesses in the River Market as part of their mandated parking. So you are planning to remove "one of the last parking areas in the River Market" with no analysis of the impacts to those*

users or to the traffic patterns. The numbers of trips per day on 5 Street and the surrounding areas will be significantly higher than it is for the parking lot. This section of your Review Criteria is not satisfied.

F. Length of time the subject property has remained vacant as zoned;

The River Market UR plan approved parking as the primary use of the subject property. The property has been in constant use as a parking lot since the approval in 1989.

Response: *Exactly. This property is not vacant, it is occupied and being used daily and by hundreds of folks in the public and the employees of the River Market, exactly as intended and zoned. This section of your Review Criteria is not satisfied and the Staff Report admits it.*

G. The extent to which approving the rezoning will detrimentally affect nearby properties; and

The rezoning will allow for a residential building with 279 residential parking spaces in the garage, 41 commercial parking spaces, and 28 additional spaces on Main Street for the use of the River Market tenants. The proposed parking drastically reduces the amount of parking for the area, however, the project is located in the Downtown Streetcar Area which has no minimum parking requirement.

Response: *The question was not answered other than to admit the “proposed parking drastically reduces the amount of parking for the area”. You cannot admit a huge detriment and then say, it does not matter because this is in the Downtown Streetcar Area. With that logic, traffic/parking is an irrelevancy in this area, which it is not. The City has signed leases with tenants in the River Market and this project directly interferes with their ability to do business and takes away one of their vested rights that requires their employees to utilize that parking lot. This section of your Review Criteria is not satisfied and the Staff Report admits it.*

H. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

The developer is proposing needed housing in a rapidly growing area of the City

Response: *The Staff Report did not answer the question. I submit it did not because there is no gain to the public health, safety and welfare from eliminating the public parking for the River Market and its tenants/visitors. There is no hardship to the owner(which is the City) as the property was legislatively rezoned/restricted to a parking lot and that is how it has been used ever since. Any hardship is created. The City has owned this lot since it was restricted for parking. The City will own the lot if this project is denied. The lot serves as parking for other City owned properties. There is no hardship here to warrant this change in zoning.*

I would incorporate the public comments of Alex Pope, Laura Lynch, John Stein and Mark DeShazer and LevelOne Game Shop.

In considering the required Review Criteria, which the City has attempted to do in its Staff Report, this project should be denied as it is currently proposed. To do otherwise is in violation of the Review Criteria. I suggest the City require the developer meet with the River Market tenants to discuss alternatives. This could be a good project but it does not meet your Review Criteria and should be denied.

Thank you, Colin

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