

From: [Robert Martin](#)
To: [Parks-Shaw, Ryana](#); [McCoy, Keema](#); [Bunch, Eric](#); [Willett, Nathan](#); [Melissa Patterson Hazley](#)
Cc: [Iden, Marissa](#); [Public Testimony](#); [Public Engagement](#)
Subject: Opposing Ordinance 240217
Date: Monday, February 26, 2024 7:19:27 PM
Attachments: [PWNA.png](#)

The Plaza Westport Neighborhood Association stands with the condominium associations surrounding the property, 4511-21 Summit, in **opposition to Ordinance 240217** (rezoning 4511-21 Summit from R1.5 to R 0.75 to allow for increased density).

We support increased density in Kansas City, but only

- a) where the infrastructure can adequately support it,
- b) when the neighboring properties do not have to bear an undue burden because of it, and
- c) when the criteria of 88-515-08 REVIEW CRITERIA are met.

Rezoning 4511-21 Summit does not meet these standards. The letter from the 46 Jefferson Condominium Association lays out the important objections regarding the impact of the increased density and development upon their quality of life and safety.

However *our main objection to rezoning this property* has to do with the fact that the approval process has NOT followed City regulations. Our neighborhood lies between the Plaza and Westport, and it has endured a lot of development in the past 15 years. More development is on the way. We rely on the City departments to follow the rules that the City has laid down in order to negotiate with developers and contest aspects of their projects when warranted. We need a reliable set of regulations and a reliable process that we can depend on. We need to depend upon the Planning Department and the regulatory bodies of the City to uphold City regulations and process, for our sakes.

We contend:

In its support of this rezoning application, the Planning Department has not even attempted to rationalize their approval in terms of the criteria according to City Code: “88-515-08 REVIEW CRITERIA”. There is also NO compelling reason given by the developer for rezoning that satisfies the criteria for rezoning. Needless to say, financial gain and preference for the design are NOT adequate reasons 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 Tudors, 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 a single development to the southeast 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.

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 (MPAP). 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 low density residential. See Page 43 of the MPAP. The west side of Summit (where the Tudors are located) in contrast was medium density residential.
- 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. “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.

It is also important to bring to your attention: 46 Jefferson Condominium and The Brentwood Condominium Associations have filed a timely appeal of an administrative decision. The appeal has been assigned case # CD-BZA-2024-0030. That appeal has a direct nexus with ordinance number 240217 and is related to the rezoning application for 4511-21 Summit (case #CD-CPC-2023-00173) and their subsequent decision to submit 2 protest petitions against the rezoning.

Zoning matters. And the process by which zoning is changed matters. It greatly affects the residences surrounding the property in question for years to come, sometimes permanently. Your decision on this matter matters. **Please uphold City regulations and process.** For all our sakes.

With gratitude for your careful analysis and wisdom,

Robert Martin
President, PWNA

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President, Plaza Westport Neighborhood Association

