



**City Planning and Development Department  
Development Management Division**

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**STAFF REPORT    City Plan Commission    November 20, 2018    (12)**

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**Re:**                            **Case No. CD-CPC-2018-00159**

**Request:**                    Creating the Plaza Bowl Overlay District in the area generally located on the south and north sides of 47th Street (extending northerly to the north side of 46th Terrace), between Madison Avenue on the west and J.C. Nichols Parkway on the east so as to establish height and use regulations

**Applicant:**                 **Katheryn Shields, City Council, 4<sup>th</sup> District-at-Large**

**Property Owners:**    **Various**

**Area of Overlay:**

The Plaza Bowl Overlay includes properties within the Midtown / Plaza Area Plan (MPAP) adopted by City Council on January 7, 2016. Since its development many years ago, the Plaza has been an important regional center, due to the unique architecture and design, mix of thriving residential and commercial uses, and continuous care by its ownership. To ensure that future expansion and operation of this resource would continue in a quality manner, respectful of the current design of the Plaza, it was agreed that efforts would be made to regulate allowable/maximum heights as well as land uses.

An immediate implementation measure of the Midtown / Plaza Area Plan was to review zoning for that portion of the plan known as the Country Club Plaza –property originally owned by J.C. Nichols, then Highwoods Development, and currently The Taubman Company LLC. These properties are considered to be in the “base of the bowl”. In conjunction with approval of the MPAP, Ordinance 151036 passed on January 7, 2016, amended the Zoning & Development Code to add height and use restrictions for properties in the Country Club Plaza.

Later, the Main Street Corridor Overlay included certain properties within the MPAP and regulates uses and heights.

The current effort – implementation of an overlay district – includes several additional properties within in the “base of the bowl”. Essentially, the overlay will *codify* height and use recommendations of the MPAP. These height and use recommendations have been approved by Council, but they exist merely as *recommendations* until incorporated in rezoning/development plan approval, text amendment, or overlay.

**Area Plan Information:**

*(Gerald Williams, Long Range Planning and Preservation)*

The Midtown Plaza Area Plan (MPAP) provides recommendations for building heights in and around the Country Club Plaza district. This set of building height recommendations is called the “Bowl Concept”:

*“The bowl concept emerged as the plaza area developed in the 1920’s and 30’s with the low-rise buildings of the Country Club Plaza being surrounded by high-rise buildings. Referred to as the “bowl concept,” this Plan recommends continuation of this design concept by the regulation of building heights in the plaza area.”*

The Bowl Concept originated in the Plaza Urban Design and Development Plan (1989) and was reaffirmed and refined during the Midtown Plaza Area Plan process (adopted in 2016). The MPAP recommends that the Bowl Concept building heights be implemented through an overlay zoning. Although the plan suggests that the entire Bowl Area should be included in such an overlay, it recognizes that this should be achieved in phases.

A portion of the Bowl Concept building height regulation was implemented through a Zoning & Development code text amendment in 2016 that included most of the properties within the “base of the bowl”. The proposed overlay implements the building height recommendations as proposed in the Bowl Concept for the remainder of the “base of the bowl” area, which is identified by the MPAP as the highest priority area within the Bowl Concept Area.

Furthermore, the MPAP recommends restriction of uses in Planning Area A (generally the Country Club Plaza area). The proposed overlay includes provisions to restrict land uses as recommended in the MPAP.

The proposed overlay is consistent with the recommendations of the Midtown Plaza Area Plan.

**Following is text that will be included within the Plaza Bowl Overlay:**

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## **Background**

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Since its development nearly 100 years ago, the Plaza area has been an important internationally recognized historic area due to the unique architecture and design, mix of thriving residential, commercial, cultural and educational uses, and continuous care by its property ownership, and city-wide public interest in maintaining this cultural icon. The Midtown / Plaza Area Plan (MPAP) recognizes that the Country Club Plaza is a significant community asset and a regional business, residential, cultural, and educational district that requires careful consideration of permitted uses and building heights in order to strengthen and further complement the existing built environment.

After years of effort by property owners, residents, consultants, and staff, the revised Midtown / Plaza Area Plan was adopted in January 2016. An immediate implementation measure of The Plan was to codify the building height recommendations in the Bowl Concept in the area adjacent to the Country Club Plaza.

Prior to 2016 adoption of the MPAP, a similar recommendation was made in the original Plaza Urban Design & Development Plan adopted in 1989. The Bowl Concept emerged to protect the Plaza area. The original mixed use area, developed in the 1920's and 30's, included retail, office, and residential uses. Low-rise buildings formed the base or "heart" of the historic area, and higher buildings were gradually built on the hills surrounding it.

Referred to as the "Bowl Concept," The original Plaza Plan and the 2016 revision both recommend continuation of this design concept through the regulation of building heights in the Plaza area. The Plaza Bowl Overlay Height and Use Boundary map depicts appropriate building heights for locations within the overlay. For certain properties on Main Street, building heights have been established through the Main Corridor Overlay. For properties within the Country Club Plaza, height and use regulations are established by a 2016 text amendment to the Zoning & Development Code was enacted at the request of the previous owner of the Country Club Plaza and continues to be supported by the current owner.

## **Plaza Bowl Overlay**

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The Plaza Bowl Overlay focuses on the "base of the bowl" – those areas immediately adjacent to the Country Club Plaza shopping area. On March 13, 2017, the Midtown Plaza Area Plan Implementation Committee created the Bowl Implementation Committee. The Bowl Concept consists of a series of roughly concentric circles around the base of the Plaza. There are

approximately 660 parcels within the boundaries of the entire Bowl Concept and around 350 owners of those parcels. City staff suggested some initial phases and provided mapping to show impacts to specific properties. After several months of study, the Committee decided to phase implementation and focus on the next concentric circle of land adjacent to the base of the bowl (the Plaza) along 47<sup>th</sup> Street. This overlay, following the 2016 text amendment and the Main Corridor Overlay is the next phase of the implementation of the MPAP for the Plaza.

The proposed overlay would:

1. Designate building heights for each parcel.
2. Specify whether land uses are permitted outright, allowed with special use permit approval, or prohibited.

## **Purpose**

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The purpose of the Plaza Bowl Overlay is to establish land use regulations and limit building heights for an area generally located on the south and north sides of 47th Street (extending northerly to the north side of 46th Terrace), between Madison Avenue on the west, and J.C. Nichols Parkway on the east. These restrictions may be more prohibitive than those of the underlying zoning.

This overlay is also intended to:

1. Maintain and promote the economic vitality of the area;
2. Encourage preservation of the area's rare, unique, historical and distinctive character;  
and,
3. Stabilize property values and reduce investment risks;
4. Establish known ground rules for development, redevelopment and infill projects that developers, the city and the community can follow and base investment decisions on;  
and
5. Otherwise promote the health, safety, morals, and general welfare of the city.

A majority of the Plaza is currently zoned for commercial development, specifically B4 (Heavy Business/Commercial), which permits a wide variety of commercial and light industrial uses, some of which would not be appropriate for the area. A zoning overlay may ***be more restrictive in regard to land uses and building heights than the B4-5 allowances.*** Additionally, property zoned B4 has intensifier of "-5", which equates to no maximum height requirement. The map would establish maximum, and in some cases, minimum building heights.

Some properties within the overlay are zoned UR (Urban Redevelopment), for which a specific development plan has been approved by the City Council. Until such time the UR plan is amended, or the property is rezoned to a different classification, the UR plan remains intact.

Other properties currently zoned R-0.5 or B-1, if redeveloped, may necessitate rezoning and submittal of a development or project plan or require special use permit approval. At that time, height restrictions of the Plaza Bowl Overlay would apply.

### **Applicability**

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All existing buildings whose heights exceed those prescribed by the Plaza Bowl Overlay as of the date of ordinance approving this overlay will be allowed to remain. Similarly, land uses in existence may remain.

Compliance with provisions of the Plaza Bowl Overlay is required as follows:

1. Regulations of the Plaza Bowl Overlay apply to all properties within the boundaries of the overlay as shown on the map. The Plaza Bowl Overlay establishes certain land use regulations and height restrictions that may vary from the underlying base zoning for the properties in the Plaza Bowl Overlay District. All provisions described below as regulatory in nature have the same force and effect as, but may be variations from, those set forth in Chapter 88, Zoning & Development Code.
2. Provisions are applicable as follows:
  - a) New Development: Full compliance with provisions of this overlay applies to all new buildings constructed within this district.
  - b) Building Enlargements and Expansions: Full compliance with provisions of this overlay applies only to the enlargement or expansion area.
  - c) Change of Use or Occupancy: Compliance with use standards apply whenever the use or occupancy of a property changes.
3. If provisions of this overlay district are inconsistent with Chapter 88, the provisions of this overlay district shall apply.
4. Existing development on properties zoned UR shall comply with the approved UR development plan and shall therefore be exempt from the regulations of this document. However, if property is rezoned or an amendment to an approved development plan is required, regulations of this document shall be met.

5. Other than as set forth by this overlay, the underlying zoning and the regulations and standards included in Chapter 88, Zoning & Development Code, prescribed for the areas rezoned to this overlay district shall remain unchanged and shall continue to apply.
6. Provisions of Chapter 88, Zoning & Development Code, 88-610-05 Nonconforming Structures are applicable.

## **Governance**

This overlay district is a Special Character Overlay (SC/O) which is outlined in Section 88-205 of the Zoning & Development Code. The establishment of the overlay district is in accordance with the KCMO Zoning & Development Code text amendment procedures of 88-510 (to establish the applicable regulations) and the zoning map amendment procedures 88-515 (to establish the district on the zoning map).

This commitment to protecting the Plaza area and guiding new development is supported by the community as well as the KCMO Zoning & Development Code. Section 88-205-01, states: "Overlay districts are for areas of the city that have unique qualities requiring special treatment or locations where special approaches to development may be warranted. They are established as a means of addressing specific aspects of land use control or development design that transcend base zoning district provisions."

The Zoning & Development Code at Section 88-610-05 - Nonconforming Structures dictates when reconstruction (possibly to a height in excess of that permitted by the overlay) may occur due accidental damage or destruction.

## **Plaza Bowl Overlay Uses**

Uses regulated by the Plaza Bowl Overlay are shown in the following table which will replace the use table for underlying zoning districts for properties within this district.

In order to promote activity at street level, the intent is to encourage development of uses such as retail, restaurant, and similar uses on the ground floor of buildings. These uses typically have points of ingress/egress, transparent storefronts and display windows, outdoor dining establishments, and other uses that encourage activity. These uses will be permitted outright.

Other uses, such as residential, office, and entertainment venues, are not typically active on the ground floors or due to their nature require blank walls without fenestration. These will require special use permit for some ground level functions. This will allow staff to review proposed design for points of ingress/egress, transparency (windows), interest in façade (to ensure pleasurable pedestrian experience/non-monotonous building wall), etc. Other uses will require special use permit approval due to their nature and effect on adjoining properties.

Finally, certain uses that are not appropriate will be prohibited.

**PLAZA BOWL OVERLAY USE TABLE**

Uses are allowed within the Plaza Bowl Overlay in accordance with Table 120-1, below.

**USE CLASSIFICATION SYSTEM**

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in [Chapter 88 \(Zoning & Development Code\) of the Code of Ordinances, Section 88-805](#). The first column of lists the groups, categories, and types allowed.

**PERMITTED USES**

Uses identified with a "P" are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

**SPECIAL USES**

Uses identified with an "SUP" may be allowed if reviewed and approved in accordance with any special use permit procedures of [Chapter 88 \(Zoning & Development Code\) of the Code of Ordinances, Section 88-525](#). Special uses are subject to compliance with the use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

**PROHIBITED USES**

Uses not listed in the table and those identified with a "-" are expressly prohibited.

**USE STANDARDS**

The "use standards" column identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

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**Plaza Bowl Overlay Use Table**

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**USE GROUP**

Use Category  
*specific use type*

**RESIDENTIAL**

*Single Family Dwelling*

**Use-Specific  
 Standard**

<b>Prohibited</b>	
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**Plaza Bowl Overlay Use Table**

**USE GROUP**

Use Category  
*specific use type*

*In single-purpose residential building*  
*In mixed-use building*

Group Living

**PUBLIC/CIVIC**

Bicycle-Sharing Facility

Club, Lodge, or Fraternal Organization

College/University

Day Care

*Home-based (1–5)*

*Family (up to 10)*

*Group (up to 20)*

*Center (21+)*

Hospital

Library/Museum/Cultural Exhibit

Park/Recreation

Religious Assembly

*Fire station*

*Police station*

*Ambulance service*

School

Utilities and Services (except as noted below)

*Basic, minor*

**COMMERCIAL**

Adult Business

*Adult media store*

*Adult motion picture theater*

*Sex shop*

Animal Service

*Sales and grooming*

*Shelter or boarding*

*Stable*

*Veterinary Office*

Artist Work or Sales Space

Building Maintenance Service

Business Equipment Sales and Service

Business Support Service (except as noted below)

*Day labor employment agency*

Use-Specific  
Standard

Permitted	88-323
Permitted	
SUP	

Permitted	88-322
SUP on Ground Floor Permitted Above Ground Floor	88-365
SUP on Ground Floor Permitted Above Ground Floor	88-365

SUP on Ground Floor Permitted Above Ground Floor	
SUP on Ground Floor Permitted Above Ground Floor	88-330-01
SUP on Ground Floor Permitted Above Ground Floor	88-330-02
SUP on Ground Floor Permitted Above Ground Floor	88-330-02
SUP on Ground Floor Permitted Above Ground Floor	
Permitted	88-365
Permitted	
Permitted	88-365
Prohibited	
Permitted	88-365
Prohibited	
SUP on Ground Floor Permitted Above Ground Floor	88-365
SUP	
Permitted	88-425-08-B

Prohibited	
Prohibited	
Prohibited	

Permitted	88-315
Prohibited	
Prohibited	
Permitted	88-315
Permitted	
SUP	
Permitted	
Permitted	
Prohibited	

**Plaza Bowl Overlay Use Table**

**USE GROUP**

Use Category  
*specific use type*

Use-Specific  
Standard

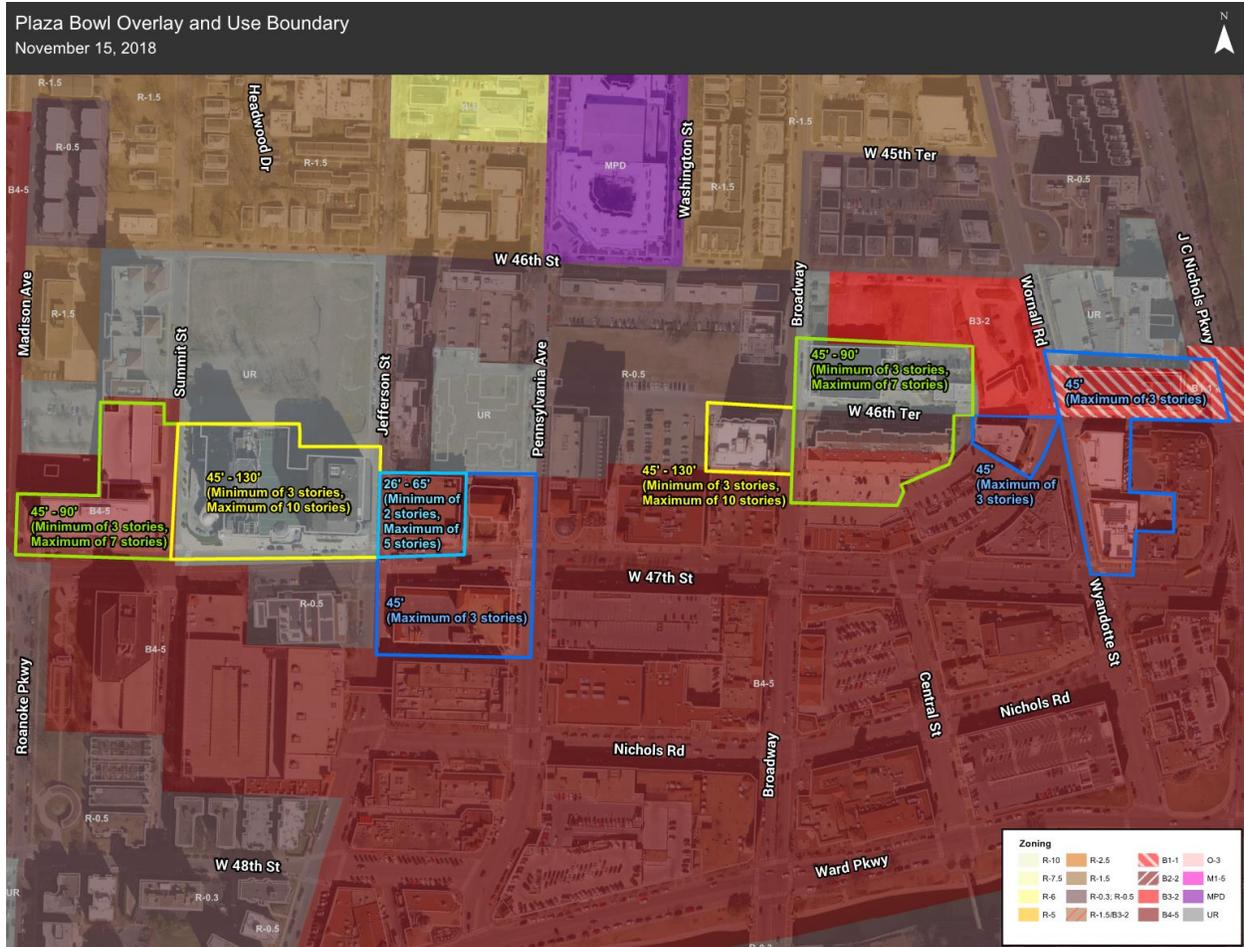
<b>Communications Service Establishments</b>
<b>Drive-Through Facility</b>
<b>Eating and Drinking Establishments</b> (except as noted below)
<i>Tavern or nightclub</i>
<b>Entertainment and Spectator Sports</b>
<i>Indoor small venue (1–149 capacity)</i>
<i>Indoor medium venue (150–499 capacity)</i>
<i>Indoor large venue (500+ capacity)</i>
<i>Outdoor (all sizes)</i>
<b>Financial Services</b> (except as noted below)
<i>Pawn shop</i>
<i>Short-term loan establishment</i>
<b>Food and Beverage Retail Sales</b>
<b>Funeral and Interment Service</b>
<i>Cemetery/columbarium/mausoleum</i>
<i>Cremating</i>
<i>Undertaking</i>
<b>Gasoline and Fuel Sales</b>
<b>Lodging</b>
<i>Bed and breakfast</i>
<i>Hotel/motel</i>
<i>Recreational vehicle park</i>
<b>Mobile Vendor Park</b>
<b>Office, Administrative, Professional or General</b>
<b>Office, Medical</b>
<i>Blood/plasma center</i>
<b>Parking, Accessory</b>
<b>Parking, Non-accessory</b>
<b>Personal Improvement Service</b>
<b>Repair or Laundry Service, Consumer</b>
<b>Research Service</b>
<b>Retail Sales</b>
<b>Reuse of designated historic landmark (local or national)</b>
<b>Sports and Recreation, Participant</b>
<i>Indoor</i>
<i>Outdoor</i>
<b>Vehicle Sales and Service</b>
<i>Car wash/cleaning service</i>

Permitted	
Permitted	88-338 & 88-340
Permitted	
Permitted	
SUP on Ground Floor Permitted Above Ground Floor	
SUP on Ground Floor Permitted Above Ground Floor	
SUP on Ground Floor Permitted Above Ground Floor	
SUP	
Permitted	
Prohibited	
Prohibited	
Permitted	
Prohibited	
Prohibited	
Prohibited	
SUP	
SUP on Ground Floor Permitted Above Ground Floor	88-320
Permitted	
Prohibited	
Prohibited	
Permitted	
Permitted	
SUP	
Permitted	88-323
Permitted	
Permitted/ SUP	
Permitted	
Permitted	
Permitted if within a parking structure,	



## Plaza Bowl Overlay Height Restrictions

For buildings located within the Plaza Bowl Overlay, building heights shall be limited to the heights and stories as shown on the Plaza Bowl Overlay map attached herein:



### Recommendation:

In regard to Case No. CD-CPC-2018-00159, City Planning & Development Department staff recommends approval.

Respectfully Submitted,

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