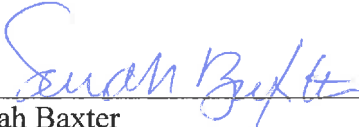


I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:


Sarah Baxter
Senior Associate City Attorney



Authenticated as Passed



Quinton Lucas, Mayor


Marilyn Sanders, City Clerk

APR 24 2025

Date Passed



File #: 250331

ORDINANCE NO. 250331

Rezoning an area of about 1.2 acres generally located at the northwest corner of Montgall Avenue and East 35th Street from Districts R-2.5 and B3-2 to District UR and approving a development plan to allow for an assisted living facility. (CD-CPC-2025-00022)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A-1480, rezoning an area of about 1.2 acres generally located at the northwest corner of Montgall Avenue and East 35th Street from Districts R-2.5 (Residential) and B3-2 (Commercial) to District UR (Urban Redevelopment), and approving a development plan to allow for an assisted living facility, said section to read as follows:

Section 88-20A-1480. That an area legally described as:

Lots 10 thru 13 & Lots 16 thru 21, Dunlop Place, Kansas City, Jackson County, Missouri:

Parcel 1:

Tract 1: Lot 10, Dunlop Place, a subdivision in Kansas City, Jackson County, Missouri.

Tract 2: Lot 11, Dunlop Place, a subdivision in Kansas City, Jackson County, Missouri.

Tract 3: Lot 19, Dunlop Place, a subdivision in Kansas City, Jackson County, Missouri.

Tract 4: Lot 20, Dunlop Place, a subdivision in Kansas City, Jackson County, Missouri.

Tract 5: Lot 21, Dunlop Place, a subdivision in Kansas City, Jackson County, Missouri.

Parcel 2:

Lot 12, Dunlop Place, a subdivision in Kansas City, Jackson County, Missouri.

Parcel 3:

Lot 13, Dunlop Place, a subdivision in Kansas City, Jackson County, Missouri.

Parcel 4:

Lot 16, Dunlop Place, a subdivision in Kansas City, Jackson County, Missouri.

Parcel 5:

Lot 17, Dunlop Place, a subdivision in Kansas City, Jackson County, Missouri.

Parcel 6:

Lot 18, Dunlop Place, a subdivision in Kansas City, Jackson County, Missouri.

is hereby rezoned from Districts R-2.5 (Residential) and B3-2 (Commercial) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1480, which is attached hereto and made a part hereof, and which is hereby adopted as a part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

Section B. That a development plan for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall complete the demolition review process for the demolition of the buildings at 3437 and 3439 Prospect before pulling a permit for demolition of the existing buildings on the site per Ordinance No. 241070 adopted 12/19/2024.
2. 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. This condition may be satisfied by an assigned City Planning and Development building inspector.
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. This condition may be satisfied by an assigned City Planning and Development building inspector.

4. Prior to issuance of the certificate of occupancy, the applicant shall consolidate the lots in accordance with the Zoning and Development Code.
5. 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. This condition may be satisfied by an assigned City Planning and Development building inspector.
6. All signage shall conform to 88-445 and shall require a sign permit prior to installation. This condition may be satisfied by an assigned City Planning and Development building inspector.
7. Prior to being heard by the City Council, the applicant must provide a lighting plan in conformance with Section 88-430 of the Zoning and Development Code.
8. The UR final plan shows bicycle parking in accordance with the Zoning and Development Code.
9. The UR final plan provides a lighting plan in accordance with the Zoning and Development Code.
10. Fire hydrants shall be installed and operable before 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.
11. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
12. 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)
13. Security gates which span across a fire access road shall provide a means for emergency operation. Electric gates shall require a siren sensor device typically referred to as a "yelp gate." (IFC-2018 § 503.6)
14. The proposed building shall have a Fire Department access road within 150 feet of any exterior portion of the structure and (IFC-2018: § 503.1.1) shall provide a walk through gate on side of the building to make the 150 feet.
15. Shall the development meet the definition of a "dwelling unit" per section 88-810-540, the developer will 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 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.
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 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.
20. No water service line will be less than 1-1/2" in diameter where three or more units or a commercial building will be served by one domestic service line and meter.
21. 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.

22. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
23. 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.
24. 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.
25. 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.
26. 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.
27. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.
28. The developer shall provide private (water, storm drainage, sanitary sewer) easements for any private mains prior to issuance of any building permits.

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 C. 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.