File #: 250359, **Version:** 1

ORDINANCE NO. 250359

Sponsor: Director of City Planning and Development Department

Rezoning an area of about one acre generally located at northwest corner of Prospect Avenue and Dr. Martin Luther King Jr. Boulevard from District R-2.5 to District B1-1 and approving a development plan on about three acres to allow for the expansion of an existing day care campus. (CD-CPC-2025-00004 & CD-CPC-2025-00008)

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-1485, rezoning an area of about one acre generally located at northwest corner of Prospect Avenue and Dr. Martin Luther King Jr. Boulevard from District R-2.5 (Residential) to District B1-1 (Neighborhood Business), said section to read as follows:

Section 88-20A-1485. That an area legally described as:

> Beginning at the most Southerly corner of said Lot 277, said point lying on the Northerly right-of-way line of Dr. Martin Luther King Jr. Boulevard; thence, along the Southwesterly lines of said Lots 277, 278 and 279, and along the Northerly right-of-way line of Dr. Martin Luther King Jr. Boulevard, North 59°49'53" West, 156.98 feet to a point on a line parallel with and 7.00 feet Northwesterly of the Northwesterly line of said Lot 279; thence, along last said parallel line, North 30°10'07" East, 140.00 feet to a point on the Northwesterly prolongation of the Northeasterly line of said Lot 279; thence, along Northeasterly lines of said Lots 277, 278 and 279, and it's Northwesterly prolongation, South 59°49'53" East, 156.98 feet to the most Easterly corner of said Lot 277; thence along the Southeasterly line of said Lot 277, South 30°10'07" West, 140.00 feet to the Point of Beginning. Containing approximately 21,977 square feet.

is hereby rezoned from District R-2.5 (Residential) to District B1-1 (Neighborhood Business), all as shown outlined on a map marked Section 88-20A-1485, 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 more specifically described as follows:

> Beginning at the most Southerly corner of said Lot 277, said point lying on the Northerly right-of-way line of Dr. Martin Luther King Jr. Boulevard; thence, along the Southwesterly lines of said Lots 277 through 285, and along the Northerly right-of-way line of Dr. Martin Luther Kings Jr. Boulevard, North 59°49'53" West, 524.00 feet to the most Westerly corner of said Lot 285;

thence, along the Northwesterly line of said Lot 285, North 30°10’07” East, 140.00 feet to the most Northerly corner of said Lot 285; thence, along the Northeasterly line of said Lots 277 through 285, South 59°49’53” East, 524.00 feet to the most Esterly corner of said Lot 277; thence, along the Southeasterly lines of said Lots 277, South 30°10’07” West, 140.00 feet to the Point of Beginning. Containing approximately 73,360 square feet.

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. 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.

3. 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.

4. Dr. Martin Luther King Jr. Boulevard is classified as a parkway; therefore, the development shall fully comply with the parkway and boulevard standards outlined in 88-323 or obtain a variance from the Board of Zoning Adjustment before receiving a building permit, including all lots and structures as well as future phases.

5. The developer shall receive approval of the required variances from the Board of Zoning Adjustment or revise plans to show compliance with the Zoning and Development Code.

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

7. Prior to issuance of any certificate of occupancy, the applicant records a minor subdivision lot line adjustment.

8. The applicant shall submit minor amendments to the development plan for phase 2 and phase 3 prior to a building permit.

9. 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.

10. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3) (No Grass Pavers Allowed)

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. 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.

13. 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).

14. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. (IFC-2018 503.1.1)

15. Fire Department access roads shall be provided before construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)

16. Required Fire Department access roads shall be designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)

17. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)

18. 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.

19. Prior to construction adjacent to a parks and recreation jurisdictional street and/or park the developer and/or their representative shall obtain a parks permit for storage and restoration within a park or a parks and recreation jurisdictional street right-of-way including but not limited to the installation of construction trailer, stockpiling of materials or equipment, construction roads and utility cabinets/meters.

20. The developer shall submit a letter to the Parks and Recreation Department from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters along boulevard/parkway, which is a parks and recreation jurisdictional street. The letter shall identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed. 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 Parks and Recreation Department, prior to recording the plat/issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.

21. The developer shall submit plans to Parks and Recreation Department and obtain permits prior to beginning construction of streetscape improvements (including but not limited to sidewalks,

curbs, gutters, streetscape elements, pedestrian and street lighting) on the Parks jurisdictional streets and construct improvements, ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. Such improvements shall be installed per Parks and Recreation Department standards.

22. The developer shall continue working with City staff regarding the driveway entrances to both parking lots located at the western portion of the development.

23. Proposed on-street parking shall be approved by the Public Works Department prior to the issuance of a permit from the Land Development Division for construction. Requests for on-street parking require review by Public Works staff during the plan review process.

24. 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.

25. 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.

26. 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.

27. 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.
28. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to a certificate of occupancy.

29. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

30. The developer shall grant a BMP easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.

31. 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.

32. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Kansas City Water Services Department showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Kansas City Water Services Department for review and acceptance for the disturbed area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit, whichever occurs first, as required by the Kansas City Water Services Department.

33. 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.

34. 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.

35. The developer shall enter into a covenant agreement for the maintenance of any storm water detention area tracts as required by the Kansas City Water Services Department, prior to recording the plat.

36. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Kansas City Water Services Department prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.

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.

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

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Approved as to form:

Sarah Baxter
Senior Associate City Attorney

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