

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

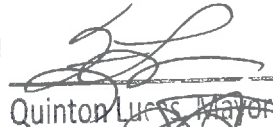
Approved as to form:



Sarah Baxter
Senior Associate City Attorney



Authenticated as Passed


Quinton Lucas, Mayor
Marilyn Sanders, City Clerk

MAY 08 2025

Date Passed



Legislation Text

File #: 250358

ORDINANCE NO. 250358

Rezoning an area of about 1 acre generally located at Interstate 435 and N.W. Cookingham Drive from District AG-R to District M2-3 and approving a development plan that also serves as a preliminary plat to allow for communications service establishments. (CD-CPC-2025-00024 and CD-CPC-2025-00026)

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-1483, rezoning an area of about 1 acre generally located at Interstate 435 and N.W. Cookingham Drive from District AG-R (Agricultural-Residential) to District M2-3 (Manufacturing), said section to read as follows:

Section 88-20A-1483. That an area legally described as:

Commencing at the northwest corner of said Northwest 1/4; thence North 89° 33' 48" East on the north line of said Northwest 1/4, 2644.88 feet to an axle at the apparent northeast corner of said Northwest 1/4; thence South 0° 14' 35" West on the east line of said Northwest 1/4, 38.00 feet to the point of beginning; thence North 89° 24' 05" East on said south right-of-way line, 223.71 feet to the south right-of-way line of Missouri Highway Route 291; thence South 77° 57' 48" East on said south right-of-way line, 121.11 feet to a point 60.00 feet left of centerline Highway Station 664+10 back = 663+68.2 ahead; thence North 89° 12' 49" East on said south right-of-way line, 185.61 feet to the east line of said west 32.29 acres; thence South 0° 09' 10" West on said east line, 1233.67 feet to the north right-of-way line of Interstate Highway Route 435; thence North 88° 59' 07" West on said north right-of-way line, 529.74 feet to the east line of said Northwest 1/4; thence continuing North 88° 59' 07" West on said north right-of-way line, 529.24 feet to the west line of said east 32 acres; thence North 0° 08' 21" East on said east line, 1230.79 feet to a point being 38.00 feet south from, as measured perpendicular to, the north line of said Northwest 1/4; thence North 89° 33' 48" East on said south right-of-way line, 532.85 feet to the point of beginning. and all that part of the Northeast Quarter of Section 21, Township 52 North, Range 33 West of the 5th Principal Meridian, Kansas City, Platte County, Missouri, which

lies southerly of Missouri State Highway Route No. 291 and northerly of Interstate Highway No. 435, more particularly described by Timothy Blair Wiswell, Pls 2009000067, of George Butler Associates, Inc., CLS 000059, on March 14, 2024, as follows: Commencing at the north corner of said Section 21; thence North $89^{\circ}24'10''$ East on the north line of said Section 21, a distance of 527.78 feet to a point on the northerly extension of the east line of Special Warranty Deed Instrument #2020011315, Book 1335, page 367; thence South $00^{\circ}08'57''$ West on said extended line, a distance of 63.48, feet to a found 1/2" rebar, said point also being on the south right-of-way line of Highway Route 291, the point of beginning; thence North $89^{\circ}13'23''$ East, on said south right-of-way line, a distance of 25.52 feet, to a point being 60 feet south of Route No. 291 Centerline Station 661+98.40; thence South $83^{\circ}17'47''$ East on said south line, a distance of 95.57 feet, to a point being 70 feet south of Station 661+00.00, said point also being the beginning of a non-tangent curve; thence on said curve to the right, having an initial tangent of South $87^{\circ}49'17''$ East, a radius of 1839.86, through a central angle of $14^{\circ}58'36''$, and an arch length of 481.67 feet, to a point being 70 feet south of Station 655+98.39; thence South $77^{\circ}14'02''$ East, along said south right-of-way line, a distance of 97.10 feet. to a point being 60 feet south of Station 654+98.39, said point also being the beginning of a non-tangent curve; thence on said curve to the right, having an initial tangent of North $69^{\circ}49'29''$ West, a radius of 1849.86, through a central angle of $18^{\circ}00'00''$, and an arc length of 581.15 feet, to a point being 84 feet southwest of Station 648+91.42; thence South $34^{\circ}01'45''$ East, on the south right-of-way line of said Route 291, shown on the Highway No. 435 plans, a distance of 91.18 feet, to a point, 100.0 feet, left/southwest, of Station 647+50; thence South $68^{\circ}28'48''$ East on said right of way line, a distance of 10.61 feet, to a point on the west line of Warranty Deed 40903, Book 559, page 708; thence South $41^{\circ}01'39''$ West, departing said right-of-way line, on said west line, a distance of 185.49, feet to a point of curvature; thence on said curve to the left, and on said west line, having a radius of 1367.39 feet, through a central angle of $15^{\circ}00'00''$ an arc length of 357.98 feet, to a point of tangency; thence South $26^{\circ}01'39''$ West on said west line, a distance of 293.70 feet, to a point on the northerly right of way line of Interstate Highway No. 435, 175.00 feet north of Station 931+88.32; thence North $88^{\circ}58'21''$ West on said northerly right of way line, a distance of 212.32 feet, to a point being 175.00 feet north of Station 729+76.00; thence South $88^{\circ}45'19''$ West on said northerly right of way line a distance of 630.55 feet, to a found 1/2" rebar, also being 150.00 feet north of Station 924+50.00; thence North $00^{\circ}08'57''$ East, departing said north right-of line, on the east line of Special Warranty Deed Instrument #2020011315, Book 1335, page 367, a distance of 1233.92 feet, to the point of beginning. Containing 27.76 acres- 1,209,214.97 sq feet and being subject to that part in road right-of-way if any.

is hereby rezoned from District AG-R (Agricultural-Residential) to District M2-3 (Manufacturing), all as shown outlined on a map marked Section 88-20A-1483, 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 that also serves as a preliminary plat for the area legally described above is hereby approved, subject to the following conditions:

1. That Ordinance No. 250027, including all conditions provided therein, shall apply to this property.
2. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and that the developer shall be responsible for all costs associated with subordination activities now and in the future.
3. 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.
4. 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.
5. 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.
6. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
7. At locations other than those specific to the agreement with Public Works and Water Services to have a modified right of way dedication requirement, the developer shall dedicate additional right of way and provide easements for N.W. Cookingham Drive as required by the adopted major street plan and/or Chapter 88 so as to provide a minimum of 60 feet of right of way as measured from the centerline, along those areas being platted.

8. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
9. 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.
10. No water service tap permits will be issued until the public water main is released for taps.
11. The developer shall grant BMP and surface drainage easements to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.
12. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and the Kansas City Water Services Department, prior to issuance of any stream buffer permits.
13. The developer shall obtain a floodplain development permit from Development Services prior to beginning any construction activities within the floodplain.
14. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
15. 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.
16. 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.
17. 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.
18. 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.

19. The developer shall submit plans for grading, siltation, and erosion control to the Kansas City Water Services Department for review and acceptance, provide a copy of the Storm Water Pollution Prevention Plan (SWPP) submitted to the Missouri Department of Natural Resources, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
20. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Kansas City Water Services Department, prior to recording the plat or issuance of a building permit, whichever occurs first.
21. The developer shall submit a final stream buffer plan to the Kansas City Water Services Department for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
22. The developer shall show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Kansas City Water Services Department.
23. 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.

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.