

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 240524

Approving a development plan on about 60 acres, which also serves as a preliminary plat, for an industrial development in District M2-3 generally located at 10951 N. Congress Avenue. (CD-CPC-2024-00038)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan, which also serves as a preliminary plat, in District M2-3 (Manufacturing 2 (Dash 3)), generally located at 10951 N. Congress Avenue, and more specifically described as follows:

All that part of the Northeast Quarter of Section 25, Township 52 North, Range 34 West, in the City of Kansas City, Platte County, Missouri, being more particularly described as follows: Commencing at the southwest corner of the Northeast Quarter of said Section 25; thence North 0°12'53" East, along the west line of the Northeast Quarter of said Section 25, a distance of 782.69 feet; thence South 89°54'40" East, along the north plat line of Congress Business Park, Third Plat, a platted subdivision of land in the City of Kansas City, Platte County, Missouri, and its westerly extension, a distance of 61.21 feet, to the point of beginning; thence North 55°40'23" East, a distance of 113.50 feet; thence North 22°39'19" East, a distance of 298.95 feet; thence North 54°21'27" East, a distance of 317.12 feet; thence North 47°06'12" East, a distance of 277.72 feet, to a point on the north line of the south 10 acres of the north one-half of the Northeast Quarter of said Section 25 and the south plat line of KCI Auto Auction, Plat 3, a platted subdivision of land in the City of Kansas City, Platte County, Missouri; thence South 89°54'49" East, along the north line of the south 10 acres of the north one-half of the Northeast Quarter of said Section 25 and the south plat line of said KCI Auto Auction, Plat 3, a distance of 767.06 feet; thence South 10°06'24" West, a distance of 96.32 feet; thence South 1°53'36" East, a distance of 92.96 feet; thence South 19°53'36" East, a distance of 29.17 feet; thence South 67°53'36" East, a distance of 46.62 feet; thence South 41°53'36" East, a distance of 81.56 feet; thence South 89°53'36" East, a distance of 1078.93 feet, to a point on the east line of the Northeast Quarter of said Section 25; thence South 0°32'31" West, along the east line of the Northeast Quarter of said Section 25, a distance of 1204.74 feet, to the southeast corner of Northeast Quarter of said Section 25; thence North 89°53'36" West, along the south line of the Northeast Quarter of said Section 25, a distance of 1649.18 feet to the southeast plat corner of Congress Business Park, a platted subdivision of land in the City of Kansas City, Platte County, Missouri; thence North 0°05'20" East, along the east plat line of said Congress Business Park, a distance of 783.00 feet, to the northeast plat corner of said Congress Business Park; thence North 89°54'40" West, along the north plat line of said Congress Business Park and the north plat line of

said Congress Business Park, Third Plat, a distance of 950.43 feet to the point of beginning, containing 59.7243 acres, more or less.

is hereby approved, subject to the following conditions:

1. The developer shall submit an affidavit, completed by an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved and all trees planted to meet mitigation required of the approved plan, whichever is applicable, has been installed or preserved in accordance with the plan and is healthy prior to a certificate of occupancy.
2. 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 prior to a certificate of occupancy.
3. The developer shall receive approval of an administrative adjustment to the bicycle parking requirements or receive approval of a variance prior to a building permit.
4. The developer shall secure approval of a project plan for the areas labeled "Future Phases" of the project from the City Plan Commission prior to a building permit.
5. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
6. 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.
7. 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.
8. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
9. The developer shall be responsible for tree preservation in an easement or platted tract in accordance with 88-424. This requirement shall be satisfied prior to issuance of a certificate of occupancy, or prior to the recording of the final plat, whichever occurs first.

10. Prior to any certificate of occupancy is issued for each phase, a final plat must be approved by the City and recorded with the County Recorder of Deeds.
11. Prior to the first certificate of occupancy issued a sign must be placed at the terminus of N.W. 109th Street stating "End City Maintenance".
12. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
- ~~13. The north half of N.W. 108th Street shall be improved to collector street standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary, and adjusting vertical grades for the road, and obtaining required permits from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.~~
13. The developer shall make a financial contribution in lieu of half street improvement requirements on N.W. 108th Street, in an amount to be negotiated with the City, not to exceed \$300,000.00. This financial contribution shall be used to make improvements to N.W. 109th Street and other nearby roads.
14. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development 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 Land Development Division.
15. 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.
16. 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.
17. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division 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.

18. 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 Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
19. 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.
20. 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.
21. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, provide a copy of the Storm Water Pollution Prevention (SWPP) plan submitted to the Missouri Department of Natural Resources (MDNR) and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
22. 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.
23. 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.
24. 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)
25. All required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3). Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5) 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) The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4) and shall provide fire lane signage on fire access drives.

26. The developer shall meet the fire flow requirements as set forth in Appendix B of the project International Fire Code 2018. (IFC-2018 § 507.1)
27. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1) and (NFPA1221)
28. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105). Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018: § D104.1)
29. A full flow fire meter shall be required when the fire protection service line serves more than one building, or combination service lines 6 inches and larger, or that have private fire hydrants connected to them.
30. No water service tap permits will be issued until the public water main is released for taps.
31. Water/sewer service lines shall serve only one lot or tract and shall not cross a separate lot or tract.
32. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
33. 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.
34. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6" branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
35. The developer shall provide covenants to maintain private water mains acceptable to the Kansas City Water Services Department for any private water mains prior to the issuance of any building permits.
36. Water main extension plans shall be submitted to the Kansas City Water Services Department by a Missouri PE for review, approval, and contracts for extensions of the transmission main, distribution main, and public fire hydrants per the approved utility plan prior to issuance of building permits. The WME plans shall follow all Kansas City Water rules and regulations for water main extensions. The extension

of approximately 2,800' of 12" public water main and approximately 500' of 24" transmission main along N.W. 108th Street as shown on the development plan shall be designed and under contract (permitted) with Kansas City Water Services Department prior to recording the final plat. The applicant must dedicate a 30' wide exclusive water main easement adjacent to the future 112th Street right-of-way along the northeast corner of the site as part of the final plat. The City will cost share the cost of the 24" portion of the watermain to the extent the cost of the 24" water main exceeds the cost of a 12" watermain for the length of the 24" water main, as funding is available.

37. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
38. The developer shall submit a final stream buffer plan 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.
39. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
40. The developer shall obtain approval and any necessary permits from the United States Army Corps of Engineers for proposed wetland fills or alteration of the vegetated stream buffers prior to issuance of any site disturbance, grading, or stream buffer permits or approval of the final plat, whichever occurs first.
41. The developer shall provide covenants to maintain private storm sewer mains acceptable to the Kansas City Water Services Department for any private storm sewer mains prior to the issuance of any building permits.
42. The developer shall provide private storm drainage easements for any private storm sewer mains prior to the issuance of any building permits.
43. The developer shall secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development, prior to recording the plat or issuance of a building permit, whichever occurs first.
44. The developer shall enter into a covenant agreement for the maintenance of any storm water detention area tracts as required by the Land Development Division, prior to recording the plat.
45. The developer shall grant BMP easements to the City, prior to recording the plat or issuance of any building permits.

46. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, 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.
47. The developer shall provide covenants to maintain private sanitary sewer mains acceptable to the Kansas City Water Services Department for any private sanitary sewer mains prior to the issuance of any building permits.
48. The developer shall provide covenants to maintain private water mains acceptable to the Kansas City Water Services Department for any private water mains prior to the issuance of any building permits.
49. The developer shall provide private (water, storm drainage, sanitary sewer) easements for any private mains prior to issuance of any building permits.
50. Internal utilities shall be private mains located within private easements and covered by covenants to maintain private utilities acceptable to the Kansas City Water Services Department.

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 B. 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.

Ahnna Nanoski, AICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney