



Legislation Text

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[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230979

Sponsor: Councilmember Wes Rogers

Rezoning an area of about 30 acres generally located north of Highway I-435 and south of N.W. Cookingham Drive (2801 N.W. Cookingham Drive) from District AG-R to District M2-3 and approving a preliminary development plan which also serves as a preliminary plat for a data center development consisting of two lots and two tracts. (CD-CPC-2023-00138 and CD-CPC-2023-00140)

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-1419 rezoning an area of about 30 acres generally located north of Highway I-435 and south of N.W. Cookingham Drive (2801 N.W. Cookingham Drive) from District AG-R (Agricultural) to District M2-3 (Manufacturing 2-3), said section to read as follows:

Section 88-20A-1419. That an area legally described as:

That part of the East 32 acres of the Northwest 1/4 together with that part of the west 32.29 acres of the Northeast 1/4 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 No. 291 and northerly of Interstate Highway No. 435, described as follows: 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, 25.00 feet to the point of beginning on the south right-of-way line of Cookingham Drive; thence North 89°24'05" East on said south right-of-way line, 209.70 feet to the south right-of-way line of Missouri Highway Route 291; thence South 0° 47'11" East on said south right-of-way line, 9.53 feet to a point 30.00 feet left of centerline highway station 665+00; thence South 77°57'48" East on said south right-of-way line, 135.17 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, 1243.85 feet to the south right-of-way line of said Cookingham Drive being 25.00 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, 531.49 feet to the point of

beginning.

is hereby rezoned from District AG-R (Agricultural) to District M2-3 (Manufacturing 2-3), as shown outlined on a map marked Section 88-20A-1419, 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 which will also serve as a preliminary plat for the area legally described above is hereby approved, subject to the following conditions:

1. 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.
2. 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.
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.
4. 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.
5. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
6. 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.
7. 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.
8. 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.

9. The developer shall provide dimensions for existing N.W. Cookingham Drive right-of-way to confirm sufficiency in accordance with the major street plan, or dedicate additional right-of-way 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.
10. 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.
11. 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 MDNR submitted Storm Water Pollution Prevention Plan (SWPP) and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
12. 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.
13. 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.
14. 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.
15. 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)
16. 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.
17. 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) All Fire Department Connections (FDC) shall be threaded connections, Storz connections are not allowed in the City of Kansas City, Missouri (IFC-2018 § 903.3.6; NFPA 13-2010 § 6.8.1).
18. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
19. 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).

20. A 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 designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
21. 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).
22. Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018: § D104.1) Buildings exceeding 62,000 square feet in area shall have at least two means of fire apparatus access (IFC-2018: § D104.2) Due to the size of each of the building both entrances off of Cookingham shall be present for the first phase.
23. The developer shall be responsible for tree preservation in an easement or platted tract, mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a portion of the required area, the amount due shall be based upon the rate specified in 88-424. This requirement shall be satisfied prior to a certificate of occupancy.
24. 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.
25. Water/Sewer service lines shall serve only one lot or tract and shall not cross a separate lot or tract.
26. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
27. 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.
28. No water service tap permits will be issued until the public water main is released for taps.
29. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations. These plans shall cover any new public water mains and public fire hydrants at 300' spacing. Developer shall provide Kansas City Water Services staff grading plans within the existing water main easement for review and approval prior to commencing grading work within the easement, and the grading shall maintain a minimum of 60" of cover over the existing 24" water transmission main. All other construction within the existing 24" transmission main easement shall meet the easement requirements.

30. 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.
31. The developer shall provide acceptable easements for the public sewers serving the development.
32. The developer shall obtain temporary construction easements from the adjacent property owners prior to issuance of permits for any offsite work.
33. The developer shall grant any BMP and/or surface drainage easements to the City as required by the Land Development Division and the Kansas City Water Services department, prior to recording the plat or issuance of any building permits.
34. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
35. The developer shall submit a final stream buffer plan to the Land Development Division and 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.
36. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
37. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
38. Storm water detention basins that serve more than one lot will be required to be platted in a storm water detention tract and be covered by a Covenant to Maintain Storm Water Detention and BMP Facilities document prior to recording the final 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 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.

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney