



Legislation Details (With Text)

File #: 240198 **Version:** 2 **Name:**
Type: Ordinance **Status:** Passed
File created: 2/8/2024 **In control:** Council
On agenda: 3/7/2024 **Final action:** 3/7/2024
Title: Sponsor: Councilmembers Nathan Willett and Kevin O'Neill
COMMITTEE SUBSTITUTE

Approving a major amendment to a Master Planned Development preliminary development plan, which is also serving as a preliminary plat, on about 500 acres in District MPD generally located at the northeast corner of I-435 and Highway 169 to allow for the six data centers and two office buildings in District MPD. (CD-CPC-2023-00174)

Sponsors: Nathan Willett, Kevin O'Neill

Indexes:

Code sections:

Attachments: 1. Docket Memo 240198, 2. 240198 cs to org ord-com, 3. CPC Dispo, 4. 1-23 CPC_Rocky Branch, 5. 04_CD-CPC-2023-00174_StaffReport_Rocky Branch, 6. ROCKY BRANCH CREEK DATA CENTER - REZONING PACKAGE 2024.02.16_v1, 7. CS 240198 NPD_Rocky Branch, 8. Authenticated Ordinance 240198 CS

Date	Ver.	Action By	Action	Result
3/7/2024	1	Council	Passed as Substituted	Pass
3/6/2024	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
2/21/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
2/8/2024	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 240198

Sponsor: Councilmembers Nathan Willett and Kevin O'Neill
COMMITTEE SUBSTITUTE

Approving a major amendment to a Master Planned Development preliminary development plan, which is also serving as a preliminary plat, on about 500 acres in District MPD generally located at the northeast corner of I-435 and Highway 169 to allow for the six data centers and two office buildings in District MPD. (CD-CPC-2023-00174)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a major amendment to a Master Planned Development preliminary development plan, which is also serving as a preliminary plat, in District MPD (Master Planned Development) generally located at the northeast corner of I-435 and Highway 169, and more specifically described as follows:

ROCKY BRANCH CREEK

PROPERTY DESCRIPTION (Tracts 1-5):

A tract of land in the South Half of the Southwest Quarter of Section 11 and in Section 14, all in Township 52 North, Range 33 West of the Fifth Principal Meridian in Kansas City, Clay County, Missouri being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092, as follows: Commencing at the Southeast corner of the Southwest Quarter of said Section 14, said point also being the Southwest corner of the Southeast Quarter of said Section 14; thence North 00°16'12" East, along the East line of said Southwest Quarter and along the West line of said Southeast Quarter, 177.01 feet to a point on the Northerly right of way line of Interstate Highway No. 435 as established by the Report of Commissioners Case 45824, as Document D4396, in Book 1165 at Page 838, recorded September 5, 1974, said point also being the Point of Beginning of the tract of land to be herein described: thence South 74°59'12" West, along said Northerly right of way, 246.81 feet to a point that is 150.00 feet left (Northerly) of Station 71+00 of the centerline of said Interstate Highway No. 435 as established by last said document; thence South 78°54'18" West, along said Northerly right of way line, 438.39 feet to a point that is 150.00 feet left (Northerly) of Station 66+61.61 of said centerline, said point also being 72.00 feet right (Northerly) of Baseline PC Station 0+00 of Ramp No. 5 of said Interstate Highway No. 435 as established by last said document; thence South 84°17'22" West, along said Northerly right of way line, 184.80 feet to a point that is 70.00 feet right (Northerly) of baseline station 2+00 of said Ramp No. 5; thence North 83°23'54" West, along said Northerly right of way line, 296.44 feet to a point that is 50.00 feet right (Northerly) of baseline station 5+17.07 of said Ramp No. 5; thence North 60°45'28" West, along said Northerly right of way line, 171.59 feet to a point on the Easterly right of way line on N Main Street as now established, said point also being on a line that is 20.00 feet East of and parallel with the West line of the East 1/2 of the Southwest Quarter of said Section 14; thence North 00°16'30" East, along said Easterly right of way line and said parallel line, 2530.64 feet to its intersection with the North line of 124th Street as now established, said point also being on a line that is 20.00 feet North of and parallel with the South line of West 1/2 of the Northwest Quarter of said Section 14; thence North 89°17'54" West, along said Northerly R/W line and along said parallel line, 837.71 feet to its intersection with the Easterly right of way line of Missouri State Highway No. 169 as established by Document C-455487, in Book 1143 at Page 511, recorded December 20, 1973; and established by Document D-4806 in Book 1166 at page 731, recorded September 26, 1974, and also established by Document P-28662, in Book 2942 at page 591 recorded January 6, 1999; thence North 00°22'50" East, along said Easterly right of way line, 22.52 feet to a point that is 500.10 feet left (Easterly) of Station 514+88.10 of the centerline of said Missouri State Highway No. 169; thence North 73°52'06" West, along said Easterly right of way line, 322.37 feet to a point that is 190.00 feet left (Easterly) of Station 514+00 of said centerline; thence North 00°16'18" East, along said Easterly right of way line, 400.00 feet to a point that is 190.00 feet left (Easterly) of Station 510+00 of said centerline; thence North 01°52'33" West, along said Easterly right of way line, 400.28 feet to a point that is 175.00 feet left (Easterly) of Station 506+00 of said centerline; thence North 00°16'18" East, along said Easterly right of way line, 899.16 feet to a point that is 128.15 feet measured (Deed=39.279 meters or 128.87 feet) left (Easterly) of Station 15+150 (meters) of the centerline of Northbound Missouri State Highway No. 169 as established by said Document D-4806 in Book 1166 at page 731, recorded September 26, 1974, and established by said Document P-28662, in Book 2942 at page 591 recorded January 6, 1999; thence North 04°20'15" East, along said Easterly right of way line, 65.12 feet to a point that is 131.23 feet (40.00 meters) left (Easterly) of Station 15+130 (meters) of said Northbound lane centerline; thence North 02°33'55" East, along said Easterly right of way line, 422.76 feet to a point that is 131.23 feet (40.00 meters) left

(Easterly) of Station 15+000 (meters) of said Northbound lane centerline; thence North 01° 31'56" East, along said Easterly right of way line, 172.53 feet to a point that is 124.67 feet (38.00 meters) left (Easterly) of Station 14+947 (meters) of said Northbound lane centerline; thence North 32°44'55" East, along said Easterly right of way line, 121.89 feet to a point that is 182.83 feet (55.727 meters) left (Easterly) of Station 14+914.011 (meters) of said Northbound lane centerline; thence North 00°20'16" East, along said Easterly right of way line, 59.87 feet; to a point that is 178.41 feet (54.380 meters) left (Easterly) of Station 14-895.592 (meters) of said Northbound lane centerline; thence North 00°20'02" East, along said Easterly right of way line, 28.72 feet to a point that is 176.23 feet (53.716 meters) left (Easterly) of Station 14+886.864 (meters) of said Northbound lane centerline; thence North 25°23'17" West, along said Easterly right of way line, 109.43 feet; to a point that is 121.39 feet (37.00 meters) left (Easterly) of Station 14+858 (meters) of said Northbound lane centerline; thence North 06°45'25" East, along said Easterly right of way line, 272.49 feet to a point that is 131.23 feet (40.00 meters) left (Easterly) of Station 14+775 (meters) of said Northbound lane centerline; thence North 04°41'15" East, along said Easterly right of way line, 133.02 feet to a point that is 131.23 feet (40.00 meters) left (Easterly) of Station 14+734.454 (meters) of said Northbound lane centerline; thence Northerly along a curve to the left being tangent to the last described course with a radius of 15,972.56 feet, a central angle of 01°17'56" and an arc distance of 362.08 feet to a point that is 131.23 feet (40.00 meters) left (Easterly) of Station 14+625 (meters) of said Northbound lane centerline; thence North 06°29'45" East, along said Easterly right of way line, 215.51 feet to a point that is 144.36 feet (44.00 meters) left (Easterly) of Station 14+560 (meters) of said Northbound lane centerline; thence North 01°09'47" West, along said Easterly right of way line, 189.69 feet to a point on the North line of the South Half of the Southwest Quarter of said Section 11; thence South 89°26'18" East, along said North line, 2338.01 feet to the Northeast corner of said South Half of the Southwest Quarter of said Section 11; thence South 00°18'18" West, along the East line of said South Half of the Southwest Quarter of said Section 11, 1318.14 feet to the Southeast corner of the Southwest Quarter of said Section 11, (known as the South Quarter corner of Section 11), said point also being the Northeast corner of the Northwest Quarter of said Section 14, also being the Northwest corner of the Northeast Quarter of said Section 14 ((known as the North Quarter corner of Section 14); thence South 89°26'08" East, along the North line of the Northwest Quarter of the Northeast Quarter of said Section 14, 1306.18 feet to the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 14; thence South 00° 18'09" West, along the East line of the Northwest Quarter of the Northeast Quarter, 1314.64 feet to the Southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 14; thence South 89°32'43" East, along the North line of the Southeast Quarter of the Northeast Quarter of said Section 14, 724.89 feet to its intersection with the Westerly line of the abandoned right of way line of the Quincy, Omaha and Kansas City Railroad (aka Kansas City and Texas Railroad); thence South 02°43'43" East, along said Westerly right of way line, 975.00 feet to a jog in said Westerly right of way line; thence North 87°16'17" East, along said Westerly right of way line, 25.00 feet; thence Southerly along said Westerly right of way line, along a curve to the right having an initial tangent bearing of South 02°43'43" East with a radius of 1860.00 feet, a central angle of 15°00'00" and an arc distance of 486.95 feet; thence South 12°16'17" West, along said Westerly right of way line, 1195.40 feet to a point on the North line of the Southeast Quarter of the Southeast Quarter of said Section 14, (said line also being the South line of the Northeast Quarter of the Southeast Quarter of said Section 14); thence South 89°37'01" East, along last said North (and South) line, 51.10 feet to a point on the centerline of said abandoned right of way line of the Quincy, Omaha and Kansas City Railroad, said line also being the Westerly line of a tract of land described in Missouri

Warranty Deed recorded March 25, 2005 as Document No. 2005012849, in Book 4945 at Page 28; thence South 12°16'17" West, along said centerline and along said Westerly deed line, 1019.98 feet to a point on the aforesaid Northerly right of way line of Interstate Highway No. 435 as established by the Report of Commissioners Case 45824, as Document D4396, in Book 1165 at Page 838, recorded September 5, 1974; said point being 165.00 feet left of Station 89+86.05 (Deed= 89+87.25 per Book 4945, Page 28) of said Interstate Highway 435 centerline; thence North 89°06'44" West, along said Northerly right of way line, 443.40 feet to a point that is 165.00 feet left (Northerly) of Station 85+42.69 of said centerline; thence South 87°43'46" West, along said Northerly right of way line, 406.52 feet to a point that is 160 feet left (Northerly) of Station 81+50 of said centerline; thence South 81°27'51" West, along said Northerly right of way line, 584.78 feet to a point that is 150.00 feet left (Northerly) of PC Station 75+84.06 of said centerline; thence North 89°14'18" West, along said Northerly right of way line, 121.66 feet to a point that is 175.00 feet left (Northerly) of Station 74+65 of said centerline; thence South 74°59'12" West, along said Northerly right of way line, 119.05 feet to the Point of Beginning. Containing a gross area of 21,702,423 square feet or 498.219 acres, more or less. Except Tract A as defined below. The net acreage of the tract now containing 21,462,744 square feet or 492.717 acres, more or less.

ROCKY BRANCH CREEK - Tract A

Recorded in Book J, Page 28.1 on November 16, 2023 as Tract "B" Property

Description PROPERTY DESCRIPTION

A tract of land in the Northeast Quarter, Southeast and Southwest Quarter of Section 14, Township 52 North, Range 33 West of the Fifth Principal Meridian in Kansas City, Clay County, Missouri being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092, as follows: Commencing at the Southeast corner of the Southwest Quarter of said Section 14, said point also being the Southwest corner of the Southeast Quarter of said Section 14; thence North 00°16'12" East, along the East line of said Southwest Quarter and along the West line of said Southeast Quarter, 177.01 feet to a point on the Northerly right of way line of Interstate Highway No. 435 as established by the Report of Commissioners Case 45824, as Document D4396, in Book 1165 at Page 838, recorded September 5, 1974, said point also being the Point of Beginning of the tract of land to be herein described; thence South 74°59'12" West, along said Northerly right of way, 246.81 feet to a point that is 150.00 feet left (Northerly) of Station 71+00 of the centerline of said Interstate Highway No. 435 as established by last said document; thence South 78°54'18" West, along said Northerly right of way line, 438.39 feet to a point that is 150.00 feet left (Northerly) of Station 66+61.61 of said centerline, said point also being 72.00 feet right (Northerly) of Baseline PC Station 0+00 of Ramp No. 5 of said Interstate Highway No. 435 as established by last said document; thence South 84°17'22" West, along said Northerly right of way line, 184.80 feet to a point that is 70.00 feet right (Northerly) of baseline station 2+00 of said Ramp No. 5; thence North 83°23'54" West, along said Northerly right of way line, 296.44 feet to a point that is 50.00 feet right (Northerly) of baseline station 5+17.07 of said Ramp No. 5; thence North 60°45'28" West, along said Northerly right of way line, 171.59 feet to a point on the Easterly right of way line on N Main Street as now established, said point also being on a line that is 20.00 feet East of and parallel with the West line of the East 1/2 of the Southwest Quarter of said Section 14; thence North 00°16'30" East, along said Easterly right of way line and said parallel line, 22.86 feet to a point on a line that is 20.00 feet Northerly of and Parallel

with said Northerly right of way line of Interstate Highway No. 435 as established by the Report of Commissioners Case 45824, as Document D4396, in Book 1165 at Page 838, recorded September 5, 1974; thence South 60°45'28" East along parallel line, 178.66 feet; thence South 83°23'54" East along parallel line, 290.28 feet; thence North 84°17'22" East along said parallel line, 181.71 feet; thence North 78°54'18" East along said parallel line, 436.76 feet; thence North 74°59'12" East along said parallel line, 251.59 feet to a point on the aforesaid East line of said Southwest Quarter of said Section 14 and on the West line of said Southeast Quarter of said Section 14; thence continuing North 74°59'12" East along said parallel line, 116.36 feet; thence South 89°14'18" East along said parallel line, 122.80 feet; thence North 81°27'51" East along said parallel line, 584.25 feet; thence North 87°43'46" East along said parallel line, 408.17 feet; thence South 89°06'44" East along said parallel line, 427.58 feet to a point on a line that is 20.00 feet Westerly of and parallel with the centerline of said abandoned right of way line of the Quincy, Omaha and Kansas City Railroad, said line also being the Westerly line of a tract of land described in Missouri Warranty Deed recorded March 25, 2005 as Document No. 2005012849, in Book 4945 at Page 28; thence North 12°16'17" East along said parallel line, 978.96 feet to a point on a line that is 20.00 feet South of and parallel with the North line of the Southeast Quarter of the Southeast Quarter of said Section 14, (said line also being the South line of the Northeast Quarter of the Southeast Quarter of said Section 14); thence North 89°37'01" West along said parallel line, 51.10 feet to a point on a line that is 20.00 feet Westerly of and parallel with said Westerly line of the abandoned right of way of the Quincy, Omaha and Kansas City Railroad (aka Kansas City and Texas Railroad); thence North 12°16'17" East along said parallel line, 1220.04 feet; thence Northerly along said parallel line along a curve to the left being tangent to the last described course with a radius of 1,840.00 feet, a central angle of 14°22'38" and a arc distance of 461.71 feet; thence along said parallel line, along a line non-tangent to said curve, South 87°16'17" West, a distance of 24.89 feet; thence North 02°43'43" West along said parallel line, 102.70 feet; thence South 90°00'00" West, 1477.21 feet; thence South 00°00'00" East, 100.00 feet; thence South 90°00'00" West 304.36 feet; thence North 00°00'00" East, 304.36 feet; thence North 90°00'00" East 304.36 feet; thence South 00°00'00" East 184.36 feet; thence North 90°00'00" East 1,496.28 feet to a point on the Westerly line of the abandoned right of way of the Quincy, Omaha and Kansas City Railroad (aka Kansas City and Texas Railroad); thence South 02°43'43" East along said Westerly line, 101.77 feet to a jog in said Westerly right of way line; thence North 87°16'17" East, along said Westerly right of way line, 25.00 feet; thence Southerly along said Westerly right of way line, along a curve to the right having a initial bearing of South 02°43'43" East with a radius of 1860.00 feet, a central angle of 15°00'00", and arc distance of 486.95 feet; thence South 12°16'17" West, along said Westerly line, 1195.40 feet to a point on the North line of the Southeast Quarter of the Southeast Quarter of said Section 14 (said line also being the South line of the Northeast Quarter of the Southeast Quarter of said Section 14); thence South 89°37'01" East, along last said North (and South) line, 51.10 feet, to a point on the centerline of said abandoned right of way line of the Quincy, Omaha and Kansas City Railroad, said line also being the Westerly line of a tract of land described in Missouri Warranty Deed recorded March 25, 2005 as Document No. 2005012849, in Book 4945 at Page 28; thence South 12°16'17" West, along said centerline and along said Westerly Deed line, 1019.98 feet, to a point on the aforesaid Northerly right of way line of Interstate Highway No. 435 as established by the Report of Commissioners Case 45824, as Document D4396, in Book 1165 at Page 838, recorded September 5, 1974, said point being 165.00 feet left of Station 89+86.05 (Deed = 89+87.25 per Book 4945, page 28) of said Interstate Highway 435 centerline; thence North 89°06'44" West, along said Northerly right of way line, 443.40 feet to a point that is 165.00 feet left (Northerly) of Station 85+42.69

of said centerline. thence South 87°43'46" West, along said Northerly right of way line, 406.52 feet to a point that is 160 feet left (Northerly) of Station 81+50 of said centerline; thence South 81°27'51" West, along said Northerly right of way line, 584.78 feet to a point that is 150.00 feet left (Northerly) of PC Station 75+84.06 of said centerline; thence North 89°14'18" West, along said Northerly right of way line, 121.66 feet to a point that is 175.00 feet left (Northerly) of Station 74+65 of said centerline, thence South 74°59'12" West, along said Northerly right of way line, 119.05 feet to the Point of Beginning. Containing 239,679 Square feet of 5.502 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 secure approval of an MPD final plan from the City Plan Commission prior to a building permit. Each MPD final plan may contain up to three buildings, including office buildings.
3. Detailed landscaping, lighting, building elevations, parking layout, and pedestrian circulation shall be reviewed at the time of MPD final plan.
4. The developer shall comply with all MODOT requirements prior to receiving any building permit.
5. The developer shall align the right of way for 128th Street as and to the extent shown on the City's Major Street Plan, as may be amended, prior to the MPD final plan.
6. All roof and/or ground mounted mechanical and utility equipment visible from the public right of way shall be screened in compliance with 88-425-08 and 88-425-09.
7. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
8. The developer shall construct the trail identified on the Trails KC Plan along the southern boundary of the subject site at the time of the final phase of development.
9. Prior to the issuance of the final certificate of occupancy for the final building in Phase II, the developer shall provide to the City a trail easement(s) for the location(s) along the southern and eastern boundaries shown on the site plan.
10. The developer shall submit a final stream buffer plan to the Land Development Division 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.
11. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers,

streetlights, and sidewalks.

12. 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.
13. The developer shall dedicate the right-of-way as shown on the Major Street Plan, as amended, and to provide at least the minimum width of right-of-way required therein, prior to the MPD final plan.
14. The developer shall construct temporary off-site cul-de-sacs and grant a city approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
15. The developer shall either 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 or enter into a secured deferral agreement for the installation of such improvement prior to recording the final plat.
16. 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.
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 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 MDNR and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
19. 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.
20. 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.
21. The developer shall grant a BMP and/or surface drainage easement to the City as required by the

Land Development Division, prior to recording the plat or issuance of any building permits.

22. A required Fire Department access road 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)
23. Fire hydrants shall be installed and operable prior to the arrival of any combustibile 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). (IFC 2018 § 507.5.1.1)
25. 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)
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. Buildings exceeding 62,000 square feet in area shall have at least two means of fire apparatus access (IFC-2018: § D104.2) Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (IFC-2018: § D106.3)
29. 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.
30. The traffic impact study did not include a crash analysis for the study area. There is no present crash analysis in the study as required by City Guidelines for a Traffic Impact Analysis Report for Proposed Developments in Kansas City, Missouri. There has been over 32 crashes in the study area from FY 2019-2023. A complete crash analysis is needed for the study area. Revise TIS or provide a memo from the traffic engineer stating the crash data was analyzed prior to building permit.

31. 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.
32. No water service tap permits will be issued until the public water main is released for taps.
33. Water/Sewer Service lines shall serve only one lot or tract and shall not cross a separate lot or tract.
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. 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.
36. The developer shall design and construct water main extension plans developed by a Missouri professional engineer and following Kansas City Water rules and regulations for water main extensions including all appurtenances such as fire hydrants. The plans shall include water mains of adequate size to serve the new development. Those mains are anticipated to be 16" transmission mains (TM) from the existing 24" TM in N.E. Cookingham Drive continuing north generally following Main Street up to N.E. 128th Street then continuing west to connect to the existing 16" TM along the 169 Highway. Frontage Road. At 128th Street and Main Street a new 12" water main shall be designed and constructed to continue north to the northern property line. A new 12" water main shall also be designed and installed to provide a looped connection to the property to the east. This east leg water main shall be shown in an easement adjacent to the I-435 northern right-of-way and extend generally from Main Street to the east property line. All water mains shall be located in either easements or right-of-way and in widths as designated in the Kansas City Water rules and regulations.
37. 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.
38. The developer shall obtain a floodplain development permit prior to beginning any construction activities within the floodplain.
39. The developer must 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 Land Development Division.

Section B. That the Council finds and declares that the following deviations from the Zoning and Development Code are hereby approved: a deviation to the parking ratios for communications service establishments and office uses to provide for 40 parking spaces per data center building (in lieu of 2.5 per 1,000 sqft) and 8 parking spaces per 1,000 square feet of office (in lieu of 1 per 1,000 sqft); a deviation from the long-term parking ration for nonresidential uses to provide for 10 percent of the employee head count (in lieu of 1

per 10,000 sqft.); and a full deviation from the short-term bicycle parking per 88-420-09 (in the amount of 74 short-term spaces).

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