



Legislation Text

File #: 250161, Version: 2

ORDINANCE NO. 250161, AS AMENDED

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 50 acres generally located at the southeastern corner of N. Congress Avenue and N.W. Cookingham Drive from District AG-R to Districts M2-1, B3-2, and R-5 and approving a development plan, also serving as a preliminary plat, to allow for the construction of industrial, commercial, and residential buildings. (CD-CPC-2024-00144 & CD-CPC-2024-00145).

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-1468, rezoning an area of about 50 acres generally located at the southeastern corner of N. Congress Avenue and N.W. Cookingham Drive from District AG-R (Agricultural-Residential) to Districts M2-1 (Manufacturing 2), B3-2 (Community Business), and R-5 (Residential 5), and approving a development plan, also serving as a preliminary plat, to allow for the construction of industrial, commercial, and residential buildings, said section to read as follows:

Section 88-20A-1468. That an area legally described as:

PROPERTY DESCRIPTION - M2 ZONING
CONTAINING 735,933 SQUARE FEET OR 16.89 ACRES

A tract of land in the Northeast Quarter of Section 24, Township 52 North, Range 34 West, Kansas City, Platte County, Missouri, being bounded and described as follows: Thence North 89°43'14" West, along the north line of said Northeast Quarter, a distance of 1320.36 feet; thence South 00°15'37" West, a distance of 418.80 feet to the point of beginning of the tract of land to be herein described; thence South 89°49'01" East, a distance of 26.02 feet; thence South 00°16'23" West, a distance of 705.35 feet to a point on the north right of way line of Interstate Route 435; thence North 90°00'00" West, along said right of way line, a distance of 385.42 feet; thence North 87°58'32" West, continuing along said right of way line, a distance of 357.71 feet; thence North 82°24'06" West, continuing along said right of way line, a distance of 228.20 feet to a point on the east right of way line of North Congress Avenue; thence North 00°23'45" East, along said right of way line, a distance of 737.67 feet; thence South 89°43'37" East, a distance of 837.21 feet; thence South 00°15'37" West, a distance of 70.71 feet; thence South 89°49'01" East, a distance of 104.47 feet to the point of beginning.

PROPERTY DESCRIPTION - B3 ZONING
CONTAINING 230,723 SQUARE FEET OR 5.30 ACRES

A tract of land in the Northeast Quarter of Section 24, Township 52 North, Range 34 West, Kansas City, Platte County, Missouri, being bounded and described as follows: Commencing at the northeast corner of said Northeast Quarter; thence North 89°43'14" West, along the north line of said Northeast Quarter, a distance of 1424.82 feet; thence South 00°16'46" West, a distance of 33.81 feet to the point of beginning of the tract of land to be herein described; thence South 00°15'37" West, a distance of 314.45 feet; thence North 89°43'37" West, a distance of 837.21 feet to a point on the east right of way line of North Congress Avenue; thence North 00°23'45" East, along said right of way line, a distance of 213.70 feet; thence North 45°31'25" East, continuing along said right of way line, a distance of 51.02 feet to a point on the south right of way line of Missouri State Highway Route 291, also known as N.W. Cookingham Drive; thence South 89°23'13" East, continuing along said right of way line, a distance of 210.54 feet; thence North 01°05'08" East, continuing along said right of way line, a distance of 10.00 feet; thence easterly, continuing along said right of way line, along a curve to the left, having an initial tangent bearing of South 89°26'35" East, a radius of 1176.28 feet, an arc distance of 183.79 feet; thence North 81°36'16" East, continuing along said right of way line, a distance of 197.58 feet; thence easterly, continuing along said right of way line, along a curve to the right, being tangent to the previously described course, having a radius of 1116.28 feet, an arc distance of 165.88 feet; thence South 89°53'24" East, along said right of way line, a distance of 46.10 feet to the point of beginning.

PROPERTY DESCRIPTION R5 ZONING
CONTAINING 1,219,964 SQUARE FEET OR 28.01 ACRES

A tract of land in the Northeast Quarter of Section 24, Township 52 North, Range 34 West, Kansas City, Platte County, Missouri, being bounded and described as follows: Commencing at the northeast corner of said Northeast Quarter; thence South 00°32'52" West, along the east line of said Northeast Quarter, a distance of 274.89 feet to the point of beginning of the tract of land to be herein described; thence continuing South 00°32'52" West, along the east line of said Northeast Quarter, a distance of 842.70 feet to a point on the north right of way line of Interstate Route 435; thence South 89°59'19" West, along said right of way line, a distance of 1288.90 feet; thence North 00°16'23" East, a distance of 705.37 feet; thence North 89°49'01" West, a distance of 26.02 feet; thence North 00°15'37" East, a distance of 385.29 feet to a point on the south right of way line of Missouri State Highway Route 291, also known as N.W. Cookingham Drive; thence South 89°53'24" East, along said right of way line, a distance of 615.97 feet; thence South 00°33'00" West, a distance of 386.09 feet; thence South 89°49'01" East, a distance of 208.71 feet; thence North 00°37'14" East, a distance of 386.36 feet to a point on the south right of way line of said Missouri State Highway Route 291, also known as N.W. Cookingham Drive; thence South 89°53'24" East, along said right of way line, a distance of 20.00 feet; thence South 00°37'59" West, a distance of 243.89 feet; thence South 89°43'15" East, a distance of 475.41 feet to the point of beginning.

is hereby rezoned from District AG-R (Agricultural-Residential) to Districts M2-1(Manufacturing 2), B3-2 (Community Business), and R-5 (Residential 5), all as shown outlined on a map marked Section 88-20A-1468, 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 legally described above is hereby approved, subject to the following conditions:

1. The developer shall comply with all MODOT requirements and regulations.
2. The developer shall secure approval of a project plan for each lot from the City Plan Commission prior to a building permit. All detailed landscaping, lighting, and other site details will be reviewed at the time of each project plan.
3. Per the Public Works Department, the developer shall install ADA ramps where Public Works deems necessary prior to a certificate of occupancy for each building.
4. Prior to submittal of an application for a final plat the applicant must submit and gain approval of a street name plan.
5. 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).
6. 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)
7. Required Fire Department access roads shall be a minimum unobstructed width of twenty (20) feet and 13 ft. 6 in. in clearance height. Check with Streets & Traffic (KCMO Public Works) or Missouri Department of Transportation (MODOT) that may have street planning regulations that supersede the Fire Code. (IFC-2018: § 503.2.1)
8. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3) (No Grass Pavers Allowed)
9. 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)
10. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
11. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. (IFC-2018: § 503.2.5)
12. Fire lane signage shall be provided on fire access drives. (IFC-2018 § 503.3)
13. 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).
14. The developer shall meet the minimum fire hydrant requirements of the Kansas City, Missouri Water Services Department applicable to a water main extension which is every 300 feet commercial or 600 feet residentially zoned area.
15. The developer shall meet the fire flow requirements as set forth in Appendix B of the

International Fire Code 2018. (IFC-2018 § 507.1)

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)
17. Fire hydrant(s) shall be within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 and U occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2018: § 507.5.1)
18. 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)
19. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road where all buildings are equipped throughout with an approved automatic sprinkler system. (IFC-2018 § D104.2)
20. 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)
21. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
22. 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.
23. 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.
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 integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
26. 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.
27. The developer shall dedicate additional right-of-way and provide easements for N.W. Cookingham Drive and N. Congress Avenue as required by the adopted major street plan and/or Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline, along those areas being platted.
 28. 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.
 29. 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.
 30. 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.
 31. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
 32. No water service tap permits will be issued until the public water main is released for taps.
 33. The developer shall submit water main extension plans for a new 12" or larger water main along the projects frontage with N. Congress Avenue and providing public fire hydrants at 300' maximum spacing. The water main extension plans shall also include distribution main extensions along N.E. Cookingham sufficient in size and length to provide tap locations and fire hydrants spaced at 300' maximum. The water main extension plans shall be submitted through Compass KC and follow Kansas City, Missouri Water Services Department. The proposed grading within the existing transmission main easement along N.W. Cookingham Drive shall be pre-approved by the Kansas City, Missouri Water Services Department Director and shall provide a minimum of 60" of cover.
 34. 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.
 35. The developer must shall a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Kansas City, Missouri 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, Missouri 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 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, Missouri Water Services Department.

36. 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.
37. The developer shall enter into a covenant agreement for the maintenance of any storm water detention area tracts as required by the Kansas City, Missouri Water Services Department, prior to recording the plat.
38. The developer shall submit plans for grading, siltation, and erosion control to the Kansas City, Missouri 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.
39. The developer shall grant a BMP easement to the City as required by the Kansas City, Missouri Water Services Department, prior to recording the plat or issuance of any building permits.
40. The developer shall obtain a floodplain development permit from Development Services prior to beginning any construction activities withing the floodplain.
41. 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, Missouri Water Services Department, prior to recording the plat or issuance of a building permit, whichever occurs first.
42. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Kansas City, Missouri 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.
43. The developer shall obtain approval and any necessary permits from the United States Army Corps of Engineers for proposed wetland fills or alteration of any regulated streams and vegetated stream buffers prior to issuance of any site disturbance, grading, or stream buffer permits or approval of the final plat. whichever occurs first.
44. Prior to the approval of this case by the Kansas City, Missouri Water Services Department, the Developer shall provide a letter from a licensed Missouri professional engineer explaining the current status of the stream buffer. Indicate that the mature riparian areas adjacent to the stream have been previously removed by agricultural operations prior to the adoption of the stream buffer ordinance and explain why the stream buffer requirements should not apply to this development.
45. The Kansas City, Missouri Water Services Department public utility easements shall be exclusive and should not overlap with the general utility easements.
46. The developer shall submit a revised development plan prior to approval of the first project plan

stating that the property shall not be used for any distribution center that generates traffic of trucks with sixteen (16) or more wheels.

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

Approved as to form:

Sarah Baxter
Senior Associate City Attorney