



File #: 250027

ORDINANCE NO. 250027

Rezoning an area of about 59 acres 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-2024-00030 & CD-CPC-2024-00032)

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-1463, rezoning an area of about 59 acres generally located at Interstate 435 and N.W. Cookingham Drive from District AG-R (Agricultural-Residential) to District M2-3 (Manufacturing) and approving a development plan to allow for communications service establishments, said section to read as follows:

Section 88-20A-1463. That an area legally described as:

Al 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 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 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.

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°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°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°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 s83°17'47"e 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 North 87°49'27" West, a radius of 1839.86, through a central angle of 10°00'03", and an arch length of 321.63 feet, to a point being 70 feet south of station 657+66.62, and the most westerly corner of Warranty Deed 40903, Book 559, page 708; thence South 63°31'08" East, departing said south right-of-way line, on the south line of said deed, a distance of 879.52 feet to the most southeasterly corner of said deed, also being 76.88 feet left/southwest of station 648+42.49; thence South 34°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°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°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°00'00" an arc length of 357.98 feet, to a point of tangency; thence South 26°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°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°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°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.

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-1463, 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. 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 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.
3. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
4. 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.
5. 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.
6. 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.

7. The developer shall secure approval of a project plan from the City Plan Commission prior to a building permit.
8. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
9. The developer shall submit a phasing plan to the Development Management Division prior to ordinance request.
10. Prior to any certificate of occupancy being issued for each phase, a final plat must be approved by the City and recorded with the County Recorder of Deeds.
11. The applicant shall submit, gain approval from the City, and record a final plat for each phase prior to any certificate of occupancy being issued.
12. 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.
13. 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 33 feet of right-of-way as measured from the centerline, along those areas being platted.
14. 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.
15. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department and shall secure permits for those improvements as required by the Land Development Division, prior to recording the 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 pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
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. 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.
26. 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)
27. 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).
 28. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3) 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) 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 (IFC2018: § 503.2.4) and shall provide fire lane signage on fire access drives.
 29. 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)
 30. Water/sewer service lines shall serve only one lot or tract and shall not cross a separate lot or tract.
 31. No water service tap permits will be issued until the public water main is released for taps.
 32. The developer shall ensure that water and fire service lines should meet current Kansas City Water rules and regulations.
 33. 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.
 34. Relocations and additions to the public water distribution system and public fire hydrants shall follow the Kansas City Water rules and regulations for water main extensions. Developer shall submit water main extension plans for review, approval, contracting, and construction of the proposed water distribution improvements prior to building permit issuance.
 35. The developer shall grant BMP and surface drainage easements to the City, prior to recording the plat or issuance of any building permits.
 36. 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.

37. 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, prior to recording the plat or issuance of a building permit, whichever occurs first.
38. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
39. 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.
40. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
41. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88, prior to issuance of any stream buffer permits.
42. The developer shall enter into a covenant agreement for the maintenance of any storm water detention area tracts, 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 development plan also serving as a preliminary plat described above is hereby approved with the following deviation and modification from Chapter 88, Code of Ordinances:

1. A deviation from 88-140-04, pursuant to 88-517-09-C, allowing for a maximum height of 70 feet.
2. A modification from 88-405-10-E, pursuant to 88-405-25, to allow for a right-of-way dedication width of 33' along the southern perimeter of N.W. Cookingham Drive.

Section D. 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.



Authenticated as Passed



Quinton Lucas, Mayor



Marilyn Sanders, City Clerk

JAN 30 2025

Date Passed

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:



Sarah Baxter
Senior Associate City Attorney