



## Legislation Details (With Text)

**File #:** 220949      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/20/2022      **In control:** Council  
**On agenda:** 11/3/2022      **Final action:** 11/3/2022  
**Title:** Sponsor: Director of City Planning and Development Department

Rezoning an area of about 360 acres generally located at the northeast corner of Highway 169 and I-435 from Districts R-6, R-2.5, R-1.5, and B3-2 to District MPD, and approving a development plan that also serves as a preliminary plat to allow for the construction of a data center campus. (CD-CPC-2022-00058).

**Sponsors:** Director of City Planning & Development, Kevin O'Neill

**Indexes:**

**Code sections:**

**Attachments:** 1. Fact Sheet, 2. 03\_CD-CPC-2022-00058\_StaffReport\_Rocky Branch, 3. 2022-09-30 - ROCKY BRANCH CREEK - Plans Combined, 4. CPC Dispo Letter, 5. 10-18 CPC PPT\_Rocky Banch, 6. Authenticated Ordinance 220949

Date	Ver.	Action By	Action	Result
11/3/2022	1	Council	Passed	Pass
11/2/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
10/27/2022	1	Council	referred	

### ORDINANCE NO. 220949

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 360 acres generally located at the northeast corner of Highway 169 and I-435 from Districts R-6, R-2.5, R-1.5, and B3-2 to District MPD, and approving a development plan that also serves as a preliminary plat to allow for the construction of a data center campus. (CD-CPC-2022-00058).

### 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 80-20A-1363 rezoning an area of about 360 acres generally located at the northeast corner of Highway 169 and I-435 from Districts R-6 (Residential dash 6), R-2.5 Residential dash 2.5), R-1.5 (Residential dash 1.5), and B3-2 (Community Business dash 2) to District MPD (Master Planned Development) said section to read as follows:

Section 80-20A-1363. That an area legally described as:

A tract of land in 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 of 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, 19.93 feet to a point on the West line of the Southeast 1/2 of the Northwest Quarter of said Section 14; thence North 00°28'33" East, along the West line of said Southeast 1/2 of the Northwest Quarter of said Section 14, 1295.81 feet to the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 14, said point also being the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 14; thence North 00°28'33" East, along the West line of said Northeast 1/4 of the Northwest Quarter of said Section 14, 1315.81 feet to the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 14; thence South 89°24'49" East along the North line of said Northeast Quarter of the Northwest Quarter of said Section 14, 1312.04 feet to the Northeast corner of the Northwest Quarter of said Section 14, said point 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 15,632,767 square feet or 358.879 acres, more or less.

Except an undefined tract situated in the Southwest Quarter of the Northeast Quarter of Section 14, Township 52 North, Range 33 West for a cemetery as referenced in the Deed recorded March 13, 1896 in Book 106 at page 149 which excepts a 1/4 acre graveyard in said Southwest Quarter of the Northeast Quarter. This 1/4 acre graveyard tract contains 10890 square feet of 0.25 Acres more or less.

The net acreage of the tract now containing 15,621,877 square feet or 358.629 acres, more or less.

is hereby rezoned from Districts R-6 (Residential dash 6), R-2.5 Residential dash 2.5), R-1.5 (Residential dash 1.5), and B3-2 (Community Business dash 2) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 80-20A-1363, which is attached hereto and made a part hereof, and which is hereby adopted as 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 is hereby approved, subject to the following conditions:

1. The developer shall secure approval of an MPD final plan for each building pair, or a maximum of three building pairs, from the City Plan Commission prior to a building permit.
2. Detailed landscaping plans shall be reviewed at the time of MPD final plan submittal.
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, 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. Spillover light onto adjacent residential properties shall not exceed 0.186 foot-candle.
  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 include in the preliminary stream buffer plan, in accordance with 88-415-07 -D-2k of the stream buffer ordinance, the location of proposed clearing and grading in the outer zone to be reviewed for approval prior to issuance of any building permits and prior to removal of any mature riparian species within the stream buffer zones.
  8. The developer shall show in the preliminary stream buffer plan that no unapproved activities, in accordance with 88-415-05-A, are planned in the streamside zone and shall submit the proposed updated stream locations based on approved City geographic information system mapping, City-approved mapping from state and federal agencies, or field delineated, marked, and surveyed stream locations.
  9. 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.
  10. 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.
  11. 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.
  12. 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. Any deviations from the City standards must be approved by the Transportation and Development Committee and the Public Works Department.
  13. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
  14. 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.

15. The developer shall grant on City approved forms, a stream buffer easement to the City or as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
16. 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.
17. The developer shall grant a BMP easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
18. 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.
19. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division 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.
20. 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
21. 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.
22. 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.
23. The project 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 hydrant distribution shall follow IFC-2018 Table C102.1 and 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 -2013 § 8.7.2)

26. 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 a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
27. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
28. 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)
29. If an approved security gate spans across a fire access road, an approved means for emergency operation shall be provided (IFC-2018 § 503.6) or there shall be 24/7 through a guard shack that is manned.
30. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads shall be 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).
31. The developer shall install street trees along all abutting public rights of way in accordance with 88-425.
32. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
33. The developer shall work with MoDOT to receive acceptance of the project traffic impact study. The developer shall also construct all improvements required by the traffic study that have been approved by MoDOT. The developer shall work with MoDOT to receive all necessary permits for this work. Any construction shall be completed prior to any certificate of occupancy.
34. In regard to the proposed bridge/culvert over the FEMA floodplain, no change in grade within the floodway is allowed without providing hydraulic modeling and either: (a) demonstrating and certifying no rise in base flood elevations occurs or (b) obtaining CLOMR determination from FEMA prior to construction. If no work is proposed within the floodway, add a note to the plans to indicate no change in grade (especially no fill placement) shall occur within the floodway; otherwise, provide additional documentation in support of no rise certification or CLOMR.
35. A floodplain certificate shall be required if building in the floodplain.
36. The developer shall include the dimension of the streamside zone when the final stream buffer plan is submitted.
37. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

38. 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.
39. 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.
40. A full flow fire meter will 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.
41. Water/sewer service lines shall serve only one lot or tract and shall not cross a separate lot or tract.
42. 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.

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.

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

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Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter  
Assistant City Attorney