



Legislation Text

File #: 210487, Version: 1

ORDINANCE NO. 210487

Approving with conditions an exception request to the stream buffer setback requirements of Section 88-415, Code of Ordinances, in connection with the Cadence Second Plat development, located generally at the southeast corner of N.W. 108th Street and N. Platte Purchase Drive. (CLDPIR-2021-00042)

WHEREAS, on April 23, 2021, Hunt Midwest Real Estate Development, Inc. (“Developer”) submitted an application for an exception to the stream buffer setback requirements to the City in accordance with Section 88-415-08-B for the property located generally at the southeast corner of N.W. 108th Street and N. Platte Purchase Drive; and

WHEREAS, the application is on file in the office of the Director of City Planning and Development showing the details of the exceptions requested; and

WHEREAS, the Developer believes that strict application of one or more stream buffer standards would result in an unnecessary hardship for the subject property and that such unnecessary hardship is unique to the subject property and not generally applicable to other similarly situated properties, and that adequate measures will be put in place to protect the integrity of the stream buffer that includes appropriate mitigation of disturbed natural resources; and

WHEREAS, the City Planning and Development Department has reviewed the stream buffer exception application and recommends the exceptions requested be denied because the application does not meet the requirements of Section 88-415-08-B-1, which requires a showing of unnecessary hardship that is unique to the property; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council finds that strict application of one or more stream buffer standards would result in an unnecessary hardship for the subject property and that such unnecessary hardship is unique to the subject property and not generally applicable to other similarly situated property, and that adequate measures will be put in place to protect the integrity of the stream buffer that includes appropriate mitigation of disturbed natural resources. Therefore, the Council grants an exception to the stream buffer setback requirements of Section 88-415, Code of Ordinances, in connection with the Cadence Second Plat development, located at the southeast corner of N.W. 108th Street and N. Platte Purchase Drive, subject to the following conditions:

1. Submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any permits for the subject property. The submission shall also include any permits previously issued by the Corps of Engineers and Missouri Department of Natural Resources.
2. Obtain appropriate permits from Development Services for all on-site work prior to beginning any work on the

property.

3. Execute an agreement to identify, defend, and hold harmless the City for any future impacts regarding the stream buffer exceptions prior to the recording of the plat.

Approved as to form and legality:

Eluard Alegre
Assistant City Attorney