



Legislation Details (With Text)

**File #:** 210202      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 3/11/2021      **In control:** Council

**On agenda:** 3/25/2021      **Final action:**

**Title:** Approving with conditions an exception request to the stream buffer setback requirements of Section 88-415, Code of Ordinances, in connection with Davidson Elementary School, located at 5100 N. Highland Avenue (CLDPIR-2020-00068).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Fact Sheet

Date	Ver.	Action By	Action	Result
3/24/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass

ORDINANCE NO. 210202

Approving with conditions an exception request to the stream buffer setback requirements of Section 88-415, Code of Ordinances, in connection with Davidson Elementary School, located at 5100 N. Highland Avenue (CLDPIR-2020-00068).

WHEREAS, on October 23, 2020, MKEC Engineering, Inc. submitted an application for an exception to the stream buffer setback requirements to the City in accordance with Section 88-415-08-B, Code of Ordinances, on behalf of the North Kansas City School District (Developer) for the property located at 5100 N. Highland Avenue; 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; 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 Davidson Elementary School, located at 5100 N Highland Avenue, subject to the following conditions:

1. 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 vegetation within the buffer zones due to construction activities on the site, in accordance with the  
on 88-415 requirements.  
on 88-415 requirements.
2. Ensure any landscaping that serves as mitigation for the stream buffer impact by this development is installed prior to the issuance of the temporary certificate of occupancy for the new building.  
Approved as to form and legality:

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Eluard Alegre  
Assistant City Attorney