



Legislation Text

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File #: 210168, Version: 1

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ORDINANCE NO. 210168

Approving an exception request to the stream buffer setback requirements and waiving the mitigation requirements of Section 88-415, Code of Ordinances, in connection with the CKS Packaging development, located at 4000 N. Kimball Drive. (CLDPIR-2020-00078)

WHEREAS, on December 7, 2020, Davidson Architecture & Engineering (“Engineer”) submitted an application to the City for an exception to the stream buffer setback requirements in accordance with Section 88-415-08-B, City Code of Ordinances (the “Code”), for the property located at 4000 N. Kimball Drive (the “Property”); and

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

WHEREAS, the Kansas City Natural Resources Map contains an error showing a regulated stream on the Property which does not exist; and

WHEREAS, the strict application of the stream buffer standards would result in an unnecessary hardship for the Property and that such unnecessary hardship is unique to the Property and not generally applicable to other similarly situated property due to the presence of the error which is at no fault of the Engineer or the Property owner; and

WHEREAS, typically the mitigation standards of Section 88-415-07-C of the Code apply whenever an exception to the stream buffer standards is approved, but here the mitigation standards are not necessary because no natural resources will be disturbed due to the absence of a regulated stream on 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 property located at 4000 N. Kimball Drive in Kansas City, Clay County, Missouri, and that such unnecessary hardship is unique to the subject property and not generally applicable to other similarly situated property; therefore, the Council grants an exception to the stream buffer setback requirements pursuant to Section 88-415-08-B, Code of Ordinances.

Section 2. That the Council finds that no natural resources will be disturbed due to the absence of a regulated stream on the subject property; therefore, the Council waives the mitigation requirements of Section 88-415-07-C, Code of Ordinances.

Approved as to form and legality:

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Eluard Alegre  
Associate City Attorney