



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

March 21, 2023

Project Name

Chapter 88 Code Amendment –
Eating & Drinking Establishments

Docket

#3

Request

CD-CPC-2023-00030

Applicant

Jeffrey Williams, Planning Director

Owner

City Wide

Location	N/A
Area	N/A
Zoning	N/A
Council District	N/A
County	N/A
School District	N/A

Surrounding Land Uses

North: N/A

South: N/A

East: N/A

West: N/A

Major Street Plan

N/A

Land Use Plan

N/A

APPROVAL PROCESS



PROJECT TIMELINE

N/A

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Notice to Neighborhood and Civic Organizations has not been done.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does not apply to this request.

EXISTING CONDITIONS

Currently the definition of a restaurant in the Zoning and Development Code does not align with the definition from Chapter 10 of the Code of Ordinances (Alcoholic Beverages). There is a 20% difference between the two definitions.

SUMMARY OF REQUEST

This amendment seeks to align the Zoning and Development Code's definition of Restaurant with the definition from Chapter 10.

RELATED CASES

- Resolution No. 200185, May 21, 2020 – Directed the City manager to complete a review of Chapter 10 of the Code of Ordinances.
- Ordinance No. 210961, January 13, 2022 – Amended Chapter 10 to provide more flexibility in the evaluation of appropriate locations for liquor licenses, expand outdoor dining, allow the provision of to-go cocktails, and make several other changes.
- Ordinance No. 220515, June 23, 2022 – Made adjustments to Chapter 10 after initial implementation of Ordinance No. 210961.

KEY POINTS

- Changes the definition of a restaurant from an establishment that receives 50% of its sales from food to 30%.

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STAFF RECOMMENDATION

Approval

PLAN ANALYSIS

In January 2022, changes were made to Chapter 10 of the Code of Ordinances (CoO). Prior to these updates, the definition of a restaurant in the CoO had two thresholds. Establishments were considered restaurants if they generated 50% or more of their gross annual sales through the sale of food, or if their gross annual sales from food sales exceeded \$200,000. However, the second threshold was deemed too lenient, as it was easily surpassed, rendering the first threshold inconsequential.

The aforementioned updates merged these two requirements into a single definition, where an establishment must now generate a minimum of 30% of gross annual sales from food to qualify as a restaurant. This number represents a reasonable compromise between the previous 50% threshold and the overly-easy \$200,000 threshold. Further, it is proportional to the total gross sales of all establishments, rather than implicitly favoring establishments that have higher gross-incomes.

Furthermore, Regulated Industries has modified their code to require a vote of surrounding property owners for all Retail Sales-by-Drink licenses. Given the significant contextually-dependent discretion exercised by Regulated Industries when reviewing alcohol license applications, our staff is confident that modifying our definition to align with the Code of Ordinances is appropriate.

ATTACHMENTS

1. Text Amendment Documents

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **Approval** of the Code Amendment, as presented.

Respectfully Submitted,



Jared Clements, AICP

88-805-04-I. EATING AND DRINKING ESTABLISHMENTS

Provision of prepared food and/or beverages for on- or off-premises consumption. Typical uses include restaurants, taverns, and nightclubs.

1. RESTAURANT

An establishment primarily engaged in serving prepared food to the public and in which sales of such prepared foods and meals constitutes at least ~~30%~~ 50% of the establishment's gross income, pursuant to [Chapter 10](#) of the municipal code.