



## **Agenda**

### **Neighborhood Planning and Development Committee**

Lee Barnes Jr., Chair  
Andrea Bough, Vice Chair  
Dan Fowler  
Brandon Ellington  
Teresa Loar

---

**Wednesday, November 3, 2021**

**1:30 PM**

**26th Floor, Council Chamber**

---

#### **PUBLIC OBSERVANCE OF MEETINGS**

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

#### **Beginning of Consent(s)**

**[210979](#)**

Approving the plat of Woodland Creek Third Plat, an addition in Clay County, Missouri, on approximately 22.74 acres generally located at northwest corner of N.E. 122nd Street and N. Lydia Avenue, creating 37 lots and 4 tracts for the purpose of creating a 37 lot single family subdivision; accepting various easements; establishing grades on public ways; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents.  
(CLD-FnPlat-2021-00017)

**Attachments:** [2021-00017 Ordinance Fact Sheet](#)

**End of Consent(s)**

**210970** Accepting and approving a grant award amendment in the amount of \$554,640.00 for a total grant amount of \$752,553.00 with the Missouri Department of Health and Senior Services for a comprehensive sexually transmitted disease prevention program; estimating and appropriating \$421,692.00 in the Health Grants Fund; and designating requisitioning authority.

**Attachments:** [COVID-19 and Adult Vaccination Supplemental Amendment FY22 - Fact Sheet](#)  
[COVID-19 and Adult Vaccination Supplemental Amendment FY22 - Fiscal Note](#)  
[COVID-19 and Adult Vaccination Supplemental Amendment FY22 - Budget](#)  
[Approp Admin - 1127](#)

**210971** Accepting and approving a one-year \$269,687.00 contract with the Missouri Department of Health and Senior Services for a comprehensive sexually transmitted disease prevention program; and designating requisitioning authority.

**Attachments:** [STD Program FY22 - Fact Sheet](#)  
[STD Program FY22 - Fiscal Note](#)  
[STD Program FY22 - Budget](#)

**210980** Approving the Sixth Amendment to the Linwood Shopping Center Tax Increment Financing Plan; approving a third amendment to the Tax Contribution and Disbursement Agreement related to this Plan; and directing the City Clerk to transmit copies of this ordinance to Jackson County.

**Attachments:** [Fact Sheet](#)  
[Linwood TIF Plan 6th Amendment Fact Sheet Final Revised](#)  
[Linwood TIF - Sixth Amendment](#)  
[210980 Fiscal Note](#)

- 210981** Accepting the recommendations of the Tax Increment Financing Commission as to the Sixth Amendment to the Arlington Road Tax Increment Financing Plan and approving the Sixth Amendment to the Arlington Road Tax Increment Financing Plan; directing the City Clerk to send a copy of this ordinance to Clay County.

**Attachments:** [Fact Sheet](#)  
[Sixth Amendment Arlington](#)  
[Arlington 6th Amendment Powerpoint](#)  
[210981 Fiscal Note](#)

- 210984** Rezoning an approximately nine acre tract of land generally located at the southeast corner of Highway 150 and Prospect Avenue from District R-80 to District M1-1, and approving a development plan that serves as a preliminary plat in order to allow uses of warehousing, wholesaling, and storage. (CD-CPC-2021-00113 and CD-CPC-2021-00114)

**Attachments:** [Fact Sheet 00113](#)  
[Fact Sheet 00114](#)

- 210985** RESOLUTION - Approving an amendment to the Martin City Area Plan to change the recommended land use from office to industrial use for approximately nine acres generally located at the southeast corner of Prospect Avenue and M-150 Highway. (Case No. CD-CPC-2021-00112).

**Attachments:** [Fact Sheet 00112](#)

- 210988** Estimating revenue in the amount of \$200,000.00 and appropriating the same amount in the Kansas City Brownfields Revolving Loan Fund; approving a Kansas City Brownfields Revolving Loan Fund Program loan application submitted by ZB AC LLC for remediation of the former Crispus Attucks Elementary School in the aggregate amount of \$300,000.00; authorizing the Director of City Planning and Development to execute the necessary loan documents; and extending the performance periods under the Amended and Restated Performance Deed of Trust held by the City.

**Attachments:** [Fact Sheet 1157](#)  
[Fiscal Note - Attucks School1](#)  
[Approp Admin - 1157a](#)  
[Approp Admin - 1157b](#)

HELD IN COMMITTEE

[200810](#) Approving the petition to establish the Health Sciences District Community Improvement District; establishing the Health Sciences District Community Improvement District generally located north of E. 25th Street, south of E. 22nd Street, and bounded by Gilham Road to the west and Troost Avenue to the east, Kansas City, Jackson County, Missouri; requiring the annual submission of certain records; and directing the City Clerk to report the creation of the District to the Missouri Department of Economic Development.

**Attachments:** [Final ORD FACTSHEET CID \(1\)](#)

**Bough**

[210565](#) Amending Chapter 74, Code of Ordinances, by enacting a new Article VII that establishes the City's comprehensive policy for the approval of new community improvement districts and existing community improvement districts; and repealing Second Committee Substitute for Resolution No. 120605 and Resolution No. 130844.

**Attachments:** [fact sheet](#)

**Bough and Robinson**

[210919](#) RESOLUTION - Adopting an AdvanceKC Purpose and Values Statement and directing the Advance KC 2.0 Standing Committee to evaluate the tiering of incentives, use of an equity scorecard, and a housing continuum.

**Attachments:** [No Fact Sheet - Resolution](#)

**Bough and Robinson**

[210920](#) Enacting an updated Economic Development and Incentives Policy, replacing the policy enacted by Committee Substitute for Ordinance No. 140031, As Amended.

**Attachments:** [No Fact Sheet](#)

[210936](#) Declaring the Santa Fe Area Council neighborhood to be a blighted and insanitary area in need of redevelopment and rehabilitation pursuant to the Land Clearance for Redevelopment Authority Law; and approving the Urban Renewal Plan for the same, said plan to be known as the Santa Fe Area Council Urban Renewal Plan. (CD-CPC-2021-00148)

**Attachments:** [Santa Fe Area Council URP - Ordinance Fact Sheet](#)

**Bough**

[210961](#)

Amending Chapter 10, Code of Ordinances, by repealing several sections and enacting in lieu thereof new sections that 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.

**Attachments:** [No Fact Sheet](#)

[Public Testimony - Richard T Bryant](#)

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Neighborhood Planning and Development Committee issues.
2. Closed Session
  - Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
  - Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
  - Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
  - Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
  - Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
  - Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
  - Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.
3. Those who wish to comment on proposed ordinances can email written testimony to [public.testimony@kcmo.org](mailto:public.testimony@kcmo.org). Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at [www.kcmo.gov](http://www.kcmo.gov)
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: [http://kansascity.granicus.com/ViewPublisher.php?view\\_id=2](http://kansascity.granicus.com/ViewPublisher.php?view_id=2)

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.

Adjournment



---

**File #: 210979**

---

ORDINANCE NO. 210979

Approving the plat of Woodland Creek Third Plat, an addition in Clay County, Missouri, on approximately 22.74 acres generally located at northwest corner of N.E. 122nd Street and N. Lydia Avenue, creating 37 lots and 4 tracts for the purpose of creating a 37 lot single family subdivision; accepting various easements; establishing grades on public ways; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2021-00017)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the plat of Woodland Creek Third Plat, a subdivision in Clay County, Missouri, a true and correct copy of which is attached hereto and incorporated herein by reference, is hereby approved.

Section 2. That the plat granting and reserving unto Kansas City an easement and license or right to locate, construct, operate and maintain facilities including, but not limited to, water, gas, sewerage, telephone, cable TV, surface drainage, underground conduits, pad mounted transformers, service pedestals, any and all of them upon, over, under and along the strips of land outlined and designated on the plat by the words utility easement or U/E be and the same are hereby accepted and where other easements are outlined and designated on the plat for a particular purpose, be and the same are hereby accepted for the purpose as therein set out.

Section 3. That the grades of the streets and other public ways set out on the plat, herein accepted are hereby established at the top of curb, locating and defining the grade points which shall be connected by true planes or vertical curves between such adjacent grade points, the elevations of which are therein given, in feet above the City Directrix.

Section 4. That the Director of City Planning and Development is hereby authorized to execute a Covenant to Maintain Storm Water Detention and BMP Facilities Agreement, to be in a form substantially as that attached hereto as Exhibit A and incorporated herein by reference.

Section 5. That the Director of City Planning and Development is hereby authorized to execute and/or accept any and all agreements necessary to clear the title of any right of way, utility easements or other public property dedicated on the plat.

Section 6. That the City Clerk is hereby directed to record copies of this ordinance, together with the documents described herein and all other relevant documents, when the Developer has met all of the requirements for the plat to be released for recording, in the Office of the Recorder of Deeds of Clay County, Missouri.

Section 7. That the Council finds that the City Plan Commission has duly recommended its approval of this plat on September 27, 2021.

..end

---

Approved as to form and legality:

---

Eluard Alegre  
Assistant City Attorney

# COMMUNITY PROJECT/ZONING

## Ordinance Fact Sheet

210979

Ordinance Number

**Brief Title**

Approving the plat of Woodland Creek Third Plat, an addition in Kansas City, Clay County, Missouri

<p><b>Specific Address</b> Approximately 22.74 acres generally located at the northwest corner of N.E. 122nd Street and N. Lydia Avenue, creating 37 lots and 4 tracts.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;"><b>Sponsor</b></td> <td>Jeffrey Williams, AICP, Director Department of City Planning &amp; Development</td> </tr> <tr> <td><b>Programs, Departments, or Groups Affected</b></td> <td><b>City-Wide</b>  <b>Council District(s)</b> 2(CL) Loar - Fowler  <b>Other districts (school, etc.)</b> Smithville 280</td> </tr> <tr> <td><b>Applicants / Proponents</b></td> <td><b>Applicant(s)</b> Spyglass Development  <b>City Department</b> City Planning and Development  <b>Other</b></td> </tr> <tr> <td><b>Opponents</b></td> <td><b>Groups or Individuals</b> None Known  <b>Basis of Opposition</b></td> </tr> <tr> <td><b>Staff Recommendation</b></td> <td><input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against:</td> </tr> <tr> <td><b>Board or Commission Recommendation</b></td> <td><b>By: City Plan Commission</b>  September 7, 2021  <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions</td> </tr> <tr> <td><b>Council Committee Actions</b></td> <td><input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass</td> </tr> </table>	<b>Sponsor</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development	<b>Programs, Departments, or Groups Affected</b>	<b>City-Wide</b>  <b>Council District(s)</b> 2(CL) Loar - Fowler  <b>Other districts (school, etc.)</b> Smithville 280	<b>Applicants / Proponents</b>	<b>Applicant(s)</b> Spyglass Development  <b>City Department</b> City Planning and Development  <b>Other</b>	<b>Opponents</b>	<b>Groups or Individuals</b> None Known  <b>Basis of Opposition</b>	<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against:	<b>Board or Commission Recommendation</b>	<b>By: City Plan Commission</b>  September 7, 2021  <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions	<b>Council Committee Actions</b>	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass
<b>Sponsor</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development														
<b>Programs, Departments, or Groups Affected</b>	<b>City-Wide</b>  <b>Council District(s)</b> 2(CL) Loar - Fowler  <b>Other districts (school, etc.)</b> Smithville 280														
<b>Applicants / Proponents</b>	<b>Applicant(s)</b> Spyglass Development  <b>City Department</b> City Planning and Development  <b>Other</b>														
<b>Opponents</b>	<b>Groups or Individuals</b> None Known  <b>Basis of Opposition</b>														
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against:														
<b>Board or Commission Recommendation</b>	<b>By: City Plan Commission</b>  September 7, 2021  <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions														
<b>Council Committee Actions</b>	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass														
<p><b>Reason for Project</b> This final plat application was initiated by Spyglass Development, in order to subdivide the property in accordance with the city codes and state statutes. (The developer intends to construct a 37 lot single family subdivision.)</p>															
<p><b>Discussion</b> This is a routine final plat ordinance that authorizes staff to continue to process the plat for recording. This plat can be added to the consent agenda.</p> <p><b>CONTROLLING CASE</b> Case No. 13325-CUP-1 – Approved a preliminary community unit project on about 184 acres generally located at the northwest corner of Interstate 435 and N Woodland Avenue, to allow 400 single-family lots, private open space and pool. (Woodland Creek) (Ordinance 050737, passed July 7, 2005)</p>															

**Details**

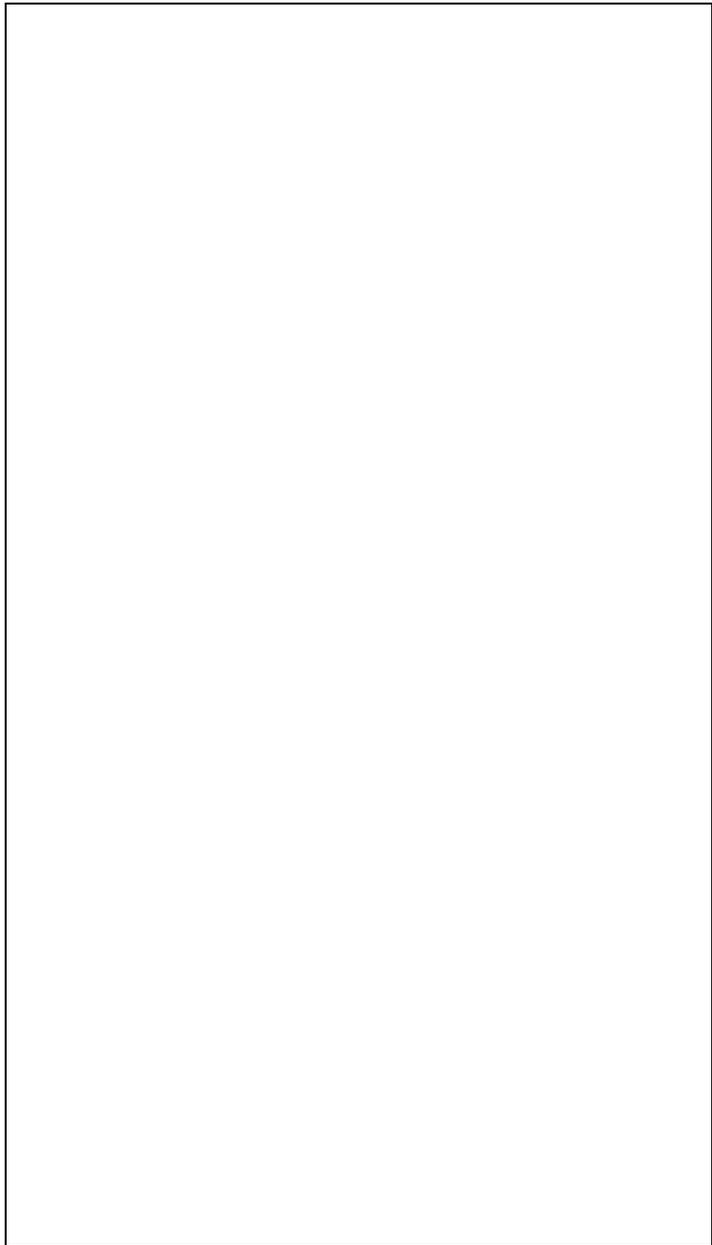
--

**Policy / Program Impact**

<b>Policy or Program Change</b> N/A	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b> N/A	

**Finances**

<b>Cost &amp; Revenue Projections – Including Indirect Costs</b> N/A	
<b>Financial Impact</b> N/A	
<b>Fund Source and Appropriation Account Costs</b> N/A	
<b>Is it good for the children?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



<b>How will this contribute to a sustainable Kansas City?</b>	<p>This project consists of public and private improvements for a 37 lot single-family residential development, and several private open space tracts on approximately 23 acres of previously undeveloped property. There are also existing storm water detention facilities constructed by an earlier plat. These facilities will reduce the overall storm water volume and attenuate the peak runoff rate to less than existing conditions. The private open space will also retain much of the existing natural vegetation and natural waterways. Runoff from within the development will be conveyed in an enclosed storm sewer system and released into the detention facilities. Common areas will be maintained by the homeowners' association through a covenant agreement. Modern and safe, walkable streets with sidewalks, curb and gutter and street lights will be constructed. New sanitary sewers will be constructed that will minimize infiltration and inflow within the system conveyed to the treatment facility. Homeowners must adhere to the codes, covenants and restrictions prepared for the project to assure ongoing maintenance and upkeep of their personal residences and common properties. This development will increase the tax base for the developed lots and will provide ample permanent greenspace within the development.</p> <p>Written by Lucas Kaspar, PE</p>
---	---

**Project Start Date**

**Projected Completion or Occupancy Date**

**Fact Sheet Prepared by:**  
Thomas Holloway

**Date:** October 27, 2021

**Reviewed by:**  
Lucas Kaspar, PE,  
Land Development Division (LDD)  
City Planning & Development

**Reference or Case Numbers:** CLD-FnPlat-2021-00017





**File #: 210970**

ORDINANCE NO. 210970

Accepting and approving a grant award amendment in the amount of \$554,640.00 for a total grant amount of \$752,553.00 with the Missouri Department of Health and Senior Services for a comprehensive sexually transmitted disease prevention program; estimating and appropriating \$421,692.00 in the Health Grants Fund; and designating requisitioning authority.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That a grant award amendment, in the amount of \$554,640.00 between the City of Kansas City, Missouri, acting through its Director of Health, and the Missouri Department of Health and Senior Services, acting through its Director of Administration, whereby the State will provide funding to support local efforts to plan, develop, and maintain a public health workforce to increase COVID-19 and adult vaccination capacity within Kansas City, Missouri for the period beginning February 1, 2021 through January 31, 2024, for a total award amount not to exceed \$752,553.00, is hereby accepted and approved. A copy of the grant award agreement, in substantial form, is on file with the Director of Health.

Section 2. That revenue in the following account of the Health Grants Fund is hereby estimated in the following amount:

22-2480-500001-472690-G50543924	COVID-19 & Adult Vaccination	\$421,692.00
---------------------------------	------------------------------	--------------

Section 3. That the sum of \$421,692.00 is hereby appropriated from the Unappropriated Fund Balance of the Health Grants Fund in the following accounts:

22-2480-505439-A-G50543924	COVID-19 & Adult Vaccination	\$ 41,898.50
22-2480-505439-B-G50543924	COVID-19 & Adult Vaccination	247,176.00
22-2480-505439-C-G50543924	COVID-19 & Adult Vaccination	<u>132,617.50</u>
	TOTAL	\$421,692.00

Section 4. That the Director of Health is hereby authorized to expend the additional sum of \$421,692.00 from funds appropriated to Account No. 22-2480-505439-G50543924 for the aforesaid contract, for the portion of the contract to be expended this fiscal year.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

---

Tammy L. Queen  
Director of Finance

Approved as to form and legality:

---

Joseph Guarino  
Assistant City Attorney



<b>LEGISLATIVE FISCAL NOTE</b>	LEGISLATION NUMBER:	210970
--------------------------------	------------------------	--------

**LEGISLATION IN BRIEF:**

Accepting and approving a grant award amendment in the amount of \$554,640.00 for a total grant amount of \$752,553.00 with the Missouri Department of Health and Senior Services to increase COVID-19 and adult vaccination capacity and estimating and appropriating \$421,692.00 in the Health Grants Fund

**What is the purpose of this legislation?** OPERATIONAL GRANT

*For Accepting financial contributions from Federal State and/or third parties to fund municipal programs. Programs supported by grants may require matching contributions from the City, or for the City to pay for program activities beyond the lifespan of the grant.*

**Does this grant require a match?**  Yes/No  
*See Section 01 for the City's Grant Match in the Current Fiscal year*

**Does this legislation estimate Grant Revenues?**  Yes/No  
*See Section 02 for the New Estimated Revenues by Year.*

**Does this legislation estimate Grant Appropriations?**  Yes/No  
*See Section 03 Below, Note all future Revenues in Section 04.*

**Does this grant create an ongoing expense for the city?**  Yes/No  
*See Section 04 for five years of ongoing operational Impacts.*

**Section 00: Notes:**

*This grants spans from February 1, 2021 through January 31, 2024. Future revenue will be estimated in the appropriate fiscal years' budget.*

If this grant is renewable, we do not assume that it will renew. If it is not, the city assumes the full cost in out years.

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2480	505439	Various	G50543924	197,913.00	

**Section 02: If applicable, where will new revenues be estimated?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2480	500001	472690	G50543924	421,692.00	75,970.29

**Section 03: If applicable, where will appropriations be increased?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2480	505439	Various	G50543924	421,692.00	75,970.29

<b>NET IMPACT ON OPERATIONAL BUDGET</b>				-	-
<i>RESERVE STATUS:</i>				<b>REVENUE SUPPORTED</b>	

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2480	Health Grants	421,692.00	75,970.29	56,977.71				
		-						
		-						
		-						
<b>TOTAL REV</b>		<b>421,692.00</b>	<b>75,970.29</b>	<b>56,977.71</b>	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2480	Health Grants	421,692.00	75,970.29	56,977.71				
<b>TOTAL EXP</b>		<b>421,692.00</b>	<b>75,970.29</b>	<b>56,977.71</b>	-	-	-	-

<b>NET Per-YEAR IMPACT</b>		-	-	-	-	-	-	-
----------------------------	--	---	---	---	---	---	---	---

<b>NET IMPACT ( SIX YEARS)</b>		-						
--------------------------------	--	---	--	--	--	--	--	--

REVIEWED BY Vickie Watson DATE 10/21/2021

**COVID-19 & Adult Vaccination Supplemental Amendment**

<b>Object Line</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>Total</b>
A0110 Wages, Regular, Full	\$140,855.00	\$71,826.00	\$49,893.43	\$262,574.43
<b>A Personal Services</b>	<b>\$140,855.00</b>	<b>\$71,826.00</b>	<b>\$49,893.43</b>	<b>\$262,574.43</b>
B18560 Health Services	\$283,160.19	\$0.00	\$3,976.07	\$287,136.26
<b>B Contractual Services</b>	<b>\$283,160.19</b>	<b>\$0.00</b>	<b>\$3,108.21</b>	<b>\$286,268.40</b>
C21100 Office Supplies	\$150,609.59	\$4,144.29	\$3,976.07	\$158,729.95
<b>C Commodities Services</b>	<b>\$150,609.59</b>	<b>\$4,144.29</b>	<b>\$3,976.07</b>	<b>\$158,729.95</b>
E34950 Equipment	\$44,980.22	\$0.00	\$0.00	\$44,980.22
<b>E Equipment</b>	<b>\$44,980.22</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$44,980.22</b>
<b>TOTAL</b>	<b>\$619,605.00</b>	<b>\$75,970.29</b>	<b>\$56,977.71</b>	<b>\$752,553.00</b>

<b>Revenues</b>		Current Budget	Revised	Dollar
Account Number	Revenue Account Title	Estimate	Estimate	Change
22-2480-500001-472690-G50543924	COVID-19 & Adult Vaccination	\$ 197,913.00	\$ 619,605.00	\$ 421,692.00

<b>Appropriations</b>		Current	Revised	Dollar
Account Number	Appropriation Account Title	Estimate	Estimate	Change
22-2480-505439-A-G50543924	COVID-19 & Adult Vaccination	\$ 98,956.50	\$ 140,855.00	\$ 41,898.50
22-2480-505439-B-G50543924	COVID-19 & Adult Vaccination	\$ 35,984.19	\$ 283,160.19	\$ 247,176.00
22-2480-505439-C-G50543924	COVID-19 & Adult Vaccination	\$ 17,992.09	\$ 150,609.59	\$ 132,617.50
22-2480-505439-E-G50543924	COVID-19 & Adult Vaccination	\$ 44,980.22	\$ 44,980.22	\$ -
		\$ 197,913.00	\$ 619,605.00	\$ 421,692.00







**File #: 210971**

ORDINANCE NO. 210971

Accepting and approving a one-year \$269,687.00 contract with the Missouri Department of Health and Senior Services for a comprehensive sexually transmitted disease prevention program; and designating requisitioning authority.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That a contract between the City of Kansas City, Missouri, acting through its Director of Health, and the Missouri Department of Health and Senior Services, whereby the Missouri Department of Health and Senior Services will provide funding for a Comprehensive Sexually Transmitted Disease Prevention Program throughout the Kansas City, Missouri area for the period beginning January 1, 2022 through December 31, 2022, for an amount not to exceed \$269,687.00, is hereby accepted and approved. A copy of the contract, in substantial form is on file with the Director of Health.

Section 2. That the Director of Health is hereby authorized to expend the sum of \$89,895.00 from funds appropriated to Account No. 22-2480-505414-G50240923 for the aforesaid contract, for the portion of the contract to be expended this fiscal year.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

\_\_\_\_\_  
Tammy L. Queen  
Director of Finance

Approved as to form and legality:

\_\_\_\_\_  
Joseph Guarino

Assistant City Attorney

<b>LEGISLATIVE FACT SHEET</b>		Legislation Number:	210971	
		Approval Deadline:		
LEGISLATION IN BRIEF:				
What is the reason for this legislation?		<b>Fact Sheet Color Codes</b>		
		User Entered Field		
		User Select From Menu		
		For OMB Use		
		Sponsor(s)		
		Programs, Departments, or Groups Affected		
		Sub-Program in Budget (page #)		
		Applicants/ Proponents	City Department	
			Other	
		Staff Recommendation		
		Board or Commission Recommendation		
		<b>Future Impacts</b>		
Cost of Legislation current Fiscal Year				
Costs in Future Fiscal Years?				
Annual Revenue Increase/Decrease				
Applicable Dates:				
Prepared by:				
Date Prepared:				
Reviewed by:				
Date Reviewed				
Reference Numbers				
Discussion (including relationship to other Council actions)				
<b>Citywide Business Plan Goal</b>				
<b>Citywide Business Plan Objective</b>				
<b>Citywide Business Plan Strategy</b>				

# LEGISLATIVE FISCAL NOTE

LEGISLATION  
NUMBER:

210971

**LEGISLATION IN BRIEF:**

Accepting and approving a one-year \$269,687.00 contract with the Missouri Department of Health and Senior Services for a comprehensive sexually transmitted disease prevention program

**What is the purpose of this legislation?**

OPERATIONAL GRANT

*For Accepting financial contributions from Federal State and/or third parties to fund municipal programs. Programs supported by grants may require matching contributions from the City, or for the City to pay for program activities beyond the lifespan of the grant.*

**Does this grant require a match?**

NO

Yes/No

*See Section 01 for the City's Grant Match in the Current Fiscal year*

**Does this legislation estimate Grant Revenues?**

NO

Yes/No

*See Section 02 for the New Estimated Revenues by Year.*

**Does this legislation estimate Grant Appropriations?**

NO

Yes/No

*See Section 03 Below, Note all future Revenues in Section 04.*

**Does this grant create an ongoing expense for the city?**

YES

Yes/No

*See Section 04 for five years of ongoing operational Impacts.*

**Section 00: Notes:**

*This grant spans from January 1, 2022 through December 31, 2022. Future revenue will be estimated in the appropriate fiscal years' budget.*

If this grant is renewable, we do not assume that it will renew. If it is not, the city assumes the full cost in out years.

### FINANCIAL IMPACT OF LEGISLATION

**Section 01: If applicable, where are funds appropriated in the current budget?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2480	505414	Various	G50240923	89,895.00	179,792.00

**Section 02: If applicable, where will new revenues be estimated?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**Section 03: If applicable, where will appropriations be increased?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**NET IMPACT ON OPERATIONAL BUDGET**

-	-
---	---

*RESERVE STATUS:*

### SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2480	Health Grants	89,895	179,792					
		-						
		-						
		-						
<b>TOTAL REV</b>		<b>89,895</b>	<b>179,792</b>	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2480	Health Grants	89,895	179,792					
<b>TOTAL EXP</b>		<b>89,895</b>	<b>179,792</b>	-	-	-	-	-

<b>NET Per-YEAR IMPACT</b>	-	-	-	-	-	-	-	-
----------------------------	---	---	---	---	---	---	---	---

<b>NET IMPACT ( SIX YEARS)</b>	-
--------------------------------	---

REVIEWED BY

Vickie Watson

DATE

10/21/2021

## Improving Sexually Transmitted Disease Program

Object Line	FY22	FY23	Total
A0110 Wages, Regular, Full	\$86,229.00	\$172,458.00	\$258,687.00
<b>A Personal Services</b>	<b>\$86,229.00</b>	<b>\$172,458.00</b>	<b>\$258,687.00</b>
B18560 Health Services	\$1,333.00	\$2,667.00	\$4,000.00
<b>B Contractual Services</b>	<b>\$1,333.00</b>	<b>\$2,667.00</b>	<b>\$4,000.00</b>
C21100 Office Supplies	\$2,333.00	\$4,667.00	\$7,000.00
<b>C Commodities Services</b>	<b>\$2,333.00</b>	<b>\$4,667.00</b>	<b>\$7,000.00</b>
<b>TOTAL</b>	<b>\$89,895.00</b>	<b>\$179,792.00</b>	<b>\$269,687.00</b>

<b>Revenues</b>		Current Budget	Revised	Dollar
Account Number	Revenue Account Title	Estimate	Estimate	Change
22-2480-500001-475220-G50240923	Improving Sexually Transmitted Disease Program	\$ 89,895.00	\$ 89,895.00	\$ -

<b>Appropriations</b>		Current	Revised	Dollar
Account Number	Appropriation Account Title	Estimate	Estimate	Change
22-2480-505414-A-G50240923	Improving Sexually Transmitted Disease Program	\$ 86,229.00	\$ 86,229.00	\$ -
22-2480-505414-B-G50240923	Improving Sexually Transmitted Disease Program	\$ 1,333.00	\$ 1,333.00	\$ -
22-2480-505414-C-G50240923	Improving Sexually Transmitted Disease Program	\$ 2,333.00	\$ 2,333.00	\$ -
		<u>\$ 89,895.00</u>	<u>\$ 89,895.00</u>	<u>\$ -</u>



---

**File #: 210980**

---

ORDINANCE NO. 210980

Approving the Sixth Amendment to the Linwood Shopping Center Tax Increment Financing Plan; approving a third amendment to the Tax Contribution and Disbursement Agreement related to this Plan; and directing the City Clerk to transmit copies of this ordinance to Jackson County.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”), the City Council of Kansas City, Missouri (the “Council”) by Ordinance No. 54556 passed on November 24, 1982, and thereafter repealed and amended in certain respects by Committee Substitute for Ordinance No. 911076, as amended, passed on August 29, 1991, Ordinance No. 100089, passed on January 28, 2010, Ordinance No. 130986, passed on December 19, 2013, and Committee Substitute for Ordinance No. 140823, as amended, passed on June 18, 2015 (the “Authorizing Ordinances”) created the Tax Increment Financing Commission of Kansas City, Missouri (the “Commission”); and

WHEREAS, on June 16, 2016, the Council passed Ordinance No. 160448, which accepted the recommendations of the Commission as to the Linwood Shopping Center Tax Increment Financing Plan (the “Redevelopment Plan” or “Plan”), approved the Redevelopment Plan as a comprehensive effort intended to reduce or eliminate blight and enhance the tax base within the Redevelopment Area described by the Plan (“Redevelopment Area”) through the implementation of certain improvements (the “Project Improvements”) within redevelopment projects described by the Plan (“Redevelopment Projects”); and

WHEREAS, the Plan has been amended five times; and

WHEREAS, the Sixth Amendment to the Plan (the “Sixth Amendment”) provides for (1) certain modifications to the Budget Redevelopment Project Costs identified by the Plan, (2) certain modifications to the Sources of Funds for all estimated Redevelopment Project Costs identified by the Plan and (3) the inclusion of all conforming changes within the Exhibits to the Plan that are in furtherance of the foregoing modifications; and

WHEREAS, the Council previously approved an Amended and Restated Tax Contribution and Disbursement Agreement with the passage of Ordinance No. 200063 on February 13, 2020, and the Amended and Restated Tax Contribution and Disbursement Agreement has been amended two times; NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That the Sixth Amendment to the Linwood Shopping Center Tax Increment Financing Plan, a copy of which is attached to this Ordinance as Exhibit A, is hereby approved.

Section 2. That all terms used in this Ordinance, not otherwise defined herein, shall be construed as defined in the Act.

Section 3. That the Council finds that:

- (a) Good cause has been shown for the Sixth Amendment to the Plan, and that the findings of the City Council in Ordinance No. 160448, Committee Substitute for Ordinance 190524; Committee Substitute for Ordinance No. 200063, Committee Substitute for Ordinance No. 200353 and Ordinance No. 200628 with respect to the Redevelopment Plan, except as expressly indicated below, are not affected by the Sixth Amendment to the Plan and apply equally to the Sixth Amendment to the Plan;
- (b) The Redevelopment Area is a blighted area evidenced by aging and deteriorating site improvements, excessive vacancy, obsolete platting and other blighting conditions stated within the Redevelopment Act in Section 99.805(1) RSMo;
- (c) The Redevelopment Area has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing, as contemplated the Redevelopment Plan;
- (d) The Redevelopment Plan, as amended by the Sixth Amendment and each Redevelopment Project described therein, conform to the comprehensive plan for the development of the City as a whole;
- (e) The areas identified by the Redevelopment Projects include only those parcels of real property and improvements which will be directly and substantially benefited by the Project improvements described by the Sixth Amendment;
- (f) The estimated dates of completion of the respective Redevelopment Projects and the retirement of any obligations incurred to finance Redevelopment Project Costs have been stated in the Redevelopment Plan and are not more than 23 years from the passage of any ordinance approving a Redevelopment Project authorized by the Plan;
- (g) A plan has been developed for relocation assistance for businesses and residences located within the Redevelopment Area;
- (h) A cost-benefit analysis showing the impact of the implementation of the Plan on each taxing district at least partially within the boundaries of the Redeveloped Area has been prepared in accordance with the Act;

- (i) The Sixth Amendment to the Plan does not include the initial development or redevelopment of any gambling establishment; and
- (j) A study has been completed and the findings of such study satisfy the requirements set out in subdivision (1) of Section 99.810, RSMo.

Section 4. That the Council hereby approves the Third Amendment to the Amended and Restated Tax Contribution and Disbursement Agreement among the City, the Tax Increment Financing Commission of Kansas City, Missouri, Linwood Shopping Center Redevelopment Company, LLC, UMB Bank, N.A., Cochran Head Vick & Co., P.C. and First American Title Insurance Company, in substantial form as that attached to this ordinance as Exhibit B, and authorizes the Director of Finance to execute the Third Amendment.

Section 5. That the City Clerk shall send a copy of this ordinance to the County Clerk and County Executive of Jackson County, Missouri.

..end

---

Approved as to form and legality:

---

Katherine Chandler  
Assistant City Attorney

# GENERAL

## Ordinance Fact Sheet

210980

Ordinance Number

**Brief Title**                      **Approval Deadline**  
 6th Amendment to Linwood Shopping Center TIF Plan

**Reason**

Details	Positions/Recommendations														
<p><b>Reason for Legislation</b></p> <p>This ordinance seeks approval of the 6th Amendment to the Linwood Shopping Center TIF Plan.</p> <p>The Linwood Shopping Center Redevelopment Area is generally bound by Olive Street on the west, 31st Street on the north, Montgall Avenue on the east, and Linwood Boulevard on the south.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Sponsor</b></td> <td></td> </tr> <tr> <td><b>Programs, Departments, or Groups Affected</b></td> <td>Tax Increment Financing Commission</td> </tr> <tr> <td><b>Applicants / Proponents</b></td> <td>           Applicant    Hunt Midwest             City Department             Other Tax Increment Financing Commission         </td> </tr> <tr> <td><b>Opponents</b></td> <td> <b>Groups or Individuals</b>            None Known   <b>Basis of opposition</b> </td> </tr> <tr> <td><b>Staff Recommendation</b></td> <td> <input checked="" type="checkbox"/> For  <input type="checkbox"/> Against   <b>Reason Against</b> </td> </tr> <tr> <td><b>Board or Commission Recommendation</b></td> <td> <b>By</b>  <input type="checkbox"/> For   <input type="checkbox"/> Against   <input type="checkbox"/> No action taken   <input type="checkbox"/> For, with revisions or conditions            (see details column for conditions)         </td> </tr> <tr> <td><b>Council Committee Actions</b></td> <td> <input type="checkbox"/> Do pass  <input type="checkbox"/> Do pass (as amended)  <input type="checkbox"/> Committee Sub.  <input type="checkbox"/> Without Recommendation   <input type="checkbox"/> Hold   <input type="checkbox"/> Do not pass         </td> </tr> </table>	<b>Sponsor</b>		<b>Programs, Departments, or Groups Affected</b>	Tax Increment Financing Commission	<b>Applicants / Proponents</b>	Applicant    Hunt Midwest  City Department  Other Tax Increment Financing Commission	<b>Opponents</b>	<b>Groups or Individuals</b> None Known  <b>Basis of opposition</b>	<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b>	<b>Board or Commission Recommendation</b>	<b>By</b> <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken  <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)	<b>Council Committee Actions</b>	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation  <input type="checkbox"/> Hold  <input type="checkbox"/> Do not pass
<b>Sponsor</b>															
<b>Programs, Departments, or Groups Affected</b>	Tax Increment Financing Commission														
<b>Applicants / Proponents</b>	Applicant    Hunt Midwest  City Department  Other Tax Increment Financing Commission														
<b>Opponents</b>	<b>Groups or Individuals</b> None Known  <b>Basis of opposition</b>														
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b>														
<b>Board or Commission Recommendation</b>	<b>By</b> <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken  <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)														
<b>Council Committee Actions</b>	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation  <input type="checkbox"/> Hold  <input type="checkbox"/> Do not pass														
<p><b>Discussion</b> (explain all financial aspects of the proposed legislation, including future implications, any direct/indirect costs, specific account numbers, ordinance references, and budget page numbers.)</p> <p><b>Ordinance Description</b></p> <p>On June 16, 2016, the Council passed Ord. No. 160448, which accepted the TIF Commission's recommendations to approve the Redevelopment Plan for the Linwood Shopping Center TIF Plan and the Redevelopment Area and the Redevelopment Projects described in that Plan.</p> <p>The Plan has been amended 5 times.</p> <p>the Sixth Amendment to the Plan provides for (1) certain modifications to the Budget Redevelopment Project Costs identified by the Plan, (2) certain modifications to the Sources of Funds for all estimated Redevelopment Project Costs identified by the Plan and (3) the inclusion of all conforming changes within the Exhibits to the Plan that are in furtherance of the foregoing modifications</p>															

(Continued on reverse side)

**Details**

<ul style="list-style-type: none"> <li>Approval of the Sixth Amendment to the Arlington Road TIF Plan             <ul style="list-style-type: none"> <li>Adds a legal description for Project Area G2</li> <li>Allows for 752,000 sq ft of new industrial space in the underground.</li> <li>Reallocates \$6.5 million of interest expense to other budget line items.</li> <li>\$4.7 million is to be allocated to Improvement #9 for electrical infrastructure</li> <li>\$1.8 million for engineering and other soft costs.</li> <li>This utility infrastructure is for the growing demands of e-commerce, advanced manufacturing and data centers.</li> <li>The reallocation does not affect the total Reimbursable Project Costs. They remain the same.</li> </ul> </li> </ul>
--

**Policy/Program Impact**

<b>Policy or Program Change</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	None

**Finances**

<b>Cost &amp; Revenue Projections -- Including Indirect Costs</b>	NA
<b>Financial Impact</b>	NA
<b>Fund Source (s) and Appropriation Account Codes</b>	NA
<b>Is this Ordinance or Resolution Good for the Children?</b>	Yes, The improvements will contribute to accessible goods and services to families in the area.

**Applicable Dates:**

**Fact Sheet Prepared by:**

David Leader, Development Services Specialist, Economic Development Corporation of Kansas City, MO

**Reviewed by:**

**Reference Numbers**

# GENERAL

## Ordinance Fact Sheet

--

Ordinance Number

**Brief Title**                      **Approval Deadline**  
 6th Amendment to Linwood Shopping Center TIF Plan

**Reason**

**Details**

**Positions/Recommendations**

**Reason for Legislation**

This ordinance seeks approval of the 6th Amendment to the Linwood Shopping Center TIF Plan (the "Linwood TIF Plan").

The Linwood Shopping Center Redevelopment Area is generally bound by Olive Street on the west, 31st Street, between Olive Street and Prospect Avenue, and 30<sup>th</sup> Street, between Prospect Avenue and Montgall Avenue, on the north, Montgall Avenue on the east, and Linwood Boulevard on the south.

<b>Sponsor</b>	
<b>Programs, Departments, or Groups Affected</b>	Tax Increment Financing Commission
<b>Applicants / Proponents</b>	<b>Applicant</b> Linwood Shopping Center Redevelopment Company, LLC  <b>City Department</b>  <b>Other</b> Tax Increment Financing Commission

**Discussion** (explain all financial aspects of the proposed legislation, including future implications, any direct/indirect costs, specific account numbers, ordinance references, and budget page numbers.)

**Ordinance Description**

On June 16, 2016, the Council passed Ord. No. 160448, which accepted the TIF Commission's recommendations to approve the Redevelopment Plan for the Linwood Shopping Center TIF Plan and the Redevelopment Area and the Redevelopment Projects described in that Plan.

The Plan has been amended 5 times by a series of ordinances passed by the City Council.

The Sixth Amendment to the Plan provides for (1) certain modifications to the Budget Redevelopment Project Costs identified by the Plan, and (2) the inclusion of all conforming changes within the Exhibits to the Plan that are in furtherance of the foregoing modifications

<b>Opponents</b>	<b>Groups or Individuals</b> None Known  <b>Basis of opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	<b>By</b> <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken  <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation  <input type="checkbox"/> Hold  <input type="checkbox"/> Do not pass

(Continued on reverse side)

**Details**

- Approval of the Sixth Amendment to the LinwoodTIF Plan and the Third Amendment to the Tax Contribution and Disbursement Agreement:
  - Modifies the Budget of Redevelopment Project Costs to reallocate certain line items to be funded with Central City Economic Development Sales Tax.
  - The reallocation does not affect the total Reimbursable Project Costs. They remain the same.

**Policy/Program Impact**

<b>Policy or Program Change</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	None

**Finances**

<b>Cost &amp; Revenue Projections -- Including Indirect Costs</b>	NA
<b>Financial Impact</b>	NA
<b>Fund Source (s) and Appropriation Account Codes</b>	NA
<b>Is this Ordinance or Resolution Good for the Children?</b>	Yes, The improvements will contribute to accessible goods and services to families in the area.

**Applicable Dates:**

**Fact Sheet Prepared by:**

David Leader, Development Services Specialist, Economic Development Corporation of Kansas City, MO

**Reviewed by:**

**Reference Numbers**

# SIXTH AMENDMENT TO THE LINWOOD SHOPPING CENTER TAX INCREMENT FINANCING PLAN

---

KANSAS CITY, MISSOURI

## **TIF COMMISSION APPROVAL:**

---

**DATE:**                      **RESOLUTION NO.**

## **CITY COUNCIL APPROVAL:**

---

**DATE:**                      **ORDINANCE NO.**

## SUMMARY

The Linwood Shopping Center Tax Increment Financing Plan (the “Plan”) contemplates the construction of approximately 129,450 square feet of retail space, including a grocery store, parking and all necessary appurtenances and utilities to support such development (the “Project Improvements”) in an area generally bounded by 31<sup>st</sup> Street, between Olive Street and Prospect Avenue, and 30<sup>th</sup> Street, between Prospect Avenue and Montgall Avenue, on the north, Linwood Boulevard on the south, Montgall Avenue on the east, and Olive Street on the west, all in Kansas City, Jackson County, Missouri (the “Redevelopment Area”). The Sixth Amendment to the Plan (the “Sixth Amendment”) (1) modifies the Estimated Redevelopment project Costs related to Redevelopment Projects 4 and 5 and (2) modifies certain exhibits to and sections of the Plan that are in furtherance of the foregoing.

### **I. Specific Amendments**

The Plan shall be amended as follows:

**Amendment No. 1:** Amend Supplement to Exhibit 4.A of the Plan, entitled “Estimated Redevelopment Project Costs for Redevelopment Project 4 and 5,” by deleting it in its entirety and replacing it with Supplement to Exhibit 4.A, entitled, “Estimated Redevelopment Project Costs for Redevelopment Projects 4 and 5,” attached hereto.

**EXHIBIT 4A**

**Estimated Budget of Redevelopment Project Costs for Redevelopments Project 4 and 5**

<b>LEGISLATIVE FISCAL NOTE</b>	LEGISLATION NUMBER:	210980
--------------------------------	------------------------	--------

LEGISLATION IN BRIEF:

Approving the Sixth Amendment to the Linwood Shopping Center Tax Increment Financing Plan; approving a third amendment to the Tax Contribution and Disbursement Agreement related to this Plan; and directing the City Clerk to transmit copies of this ordinance to Jackson County.

**What is the purpose of this legislation?** LEGISLATIVE

*for the purpose of editing, repealing, or creating a provision in the city's code of ordinances; or for stating non-monetary support. This Fiscal note should be blank*

**Sections 01-04 should be blank. See section 00 for more information**

	<input type="text" value="NO"/>	Yes/No

**Section 00: Notes:**

*This legislation approves the Sixth Amendment to the Linwood Shopping Center TIF and a third amendment to the Tax Contribution and Disbursement Agreement related to the Linwood TIF. This amendment does not change the total reimbursable project costs and fiscal impact is zero.*

**FINANCIAL IMPACT OF LEGISLATION**

<b>Section 01: If applicable, where are funds appropriated in the current budget?</b>							
FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
<b>Section 02: If applicable, where will new revenues be estimated?</b>							
FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
<b>Section 03: If applicable, where will appropriations be increased?</b>							
FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
<b>NET IMPACT ON OPERATIONAL BUDGET</b>						-	-
<i>RESERVE STATUS:</i>							

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>TOTAL REV</b>		-	-	-	-	-	-	-
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>TOTAL EXP</b>		-	-	-	-	-	-	-
<b>NET Per-YEAR IMPACT</b>		-	-	-	-	-	-	-
<b>NET IMPACT ( SIX YEARS)</b>		-						

REVIEWED BY Tanner Owens, OMB DATE 11/2/2021



---

**File #: 210981**

---

ORDINANCE NO. 210981

Accepting the recommendations of the Tax Increment Financing Commission as to the Sixth Amendment to the Arlington Road Tax Increment Financing Plan and approving the Sixth Amendment to the Arlington Road Tax Increment Financing Plan; directing the City Clerk to send a copy of this ordinance to Clay County.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri by Ordinance No. 54556 passed on November 24, 1982, and thereafter amended in certain respects by Committee Substitute for Ordinance No. 911076, As Amended, passed on August 29, 1991, Ordinance No. 100089, As Amended, passed on January 28, 2010, Ordinance No. 130986, passed on December 19, 2013, and Committee Substitute for Ordinance No. 140823, passed on June 18, 2015, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, the City Council, by Committee Substitute for Ordinance No. 140916, accepted the recommendations of the Tax Increment Financing Commission of Kansas City, Missouri ("Commission") and approved the Arlington Road Tax Increment Financing Plan ("Plan") and designated a Redevelopment Area, and has since been amended five times; and

WHEREAS, the sixth amendment to the Redevelopment Plan ("Sixth Amendment") was proposed to the Commission; and

WHEREAS, after all proper notice was given, the Commission met in public hearing regarding the Sixth Amendment on October 12, 2021, at which time, after receiving the comments of all interested persons and taxing districts, the Commission approved a resolution recommending to the City Council the approval of the Sixth Amendment to the Redevelopment Plan; and

WHEREAS, the Sixth Amendment to the Plan provides for (a) The addition of the legal description for Project G2, (b) Modifications to the site map, (c) Modifications to the public improvements, (d) Modifications to the budget, and (e) Modifications to the Redevelopment Schedule; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the recommendations of the Commission concerning the Sixth Amendment to the Redevelopment Plan as set forth in the resolution are hereby accepted and the

Sixth Amendment, a copy of which is attached hereto, is hereby approved and adopted as valid and the Redevelopment Projects contained therein is hereby approved and adopted.

Section 2. That all terms used in this ordinance, not otherwise defined herein, shall be construed as defined in Section 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”).

Section 3. That the Council hereby finds that:

- (a) Good cause has been shown for amendment of the Plan, and that the findings of the Council in Ordinance No. 151011 with respect to the Plan are not affected by the Sixth Amendment and apply equally to the Sixth Amendment;
- (b) The Redevelopment Area as a whole is an economic development area, as defined by the Act, and such redevelopment is in the public interest because it will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest; and
- (b) The Redevelopment Area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the Redevelopment Plan;
- (c) The areas selected for Redevelopment Projects include only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project Improvements.
- (d) The estimated dates of completion of the respective Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Redevelopment Plan, and are not more than 23 years from the adoption of any ordinance approving a Redevelopment Project within the Redevelopment Area;
- (e) A plan has been developed for relocation assistance for businesses and residences;
- (f) A cost-benefit analysis showing the impact of the Redevelopment Plan on each taxing district at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act; and
- (g) The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.
- (h) A study has been completed and the findings of such study satisfy the requirements provided under subdivision (4) of Section 99.805, RSMo.

Section 4. That the Commission is authorized to issue obligations in one or more series of bonds secured by the Arlington Road Tax Financing Plan Account of the Special Allocation Fund to finance Redevelopment Project Costs identified by the Plan and, subject to any constitutional limitations, to acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of land or other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the Commission determines, to enter into such contracts and take all such further actions as are reasonably necessary to achieve the objectives of the Plan. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 to 99.865 of the Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 5. That the City Council approves the pledge of all funds that are deposited into the Arlington Road Tax Increment Financing Plan Account of the Special Allocation Fund to the payment of Redevelopment Project Costs within the Redevelopment Area and authorizes the Commission to pledge such funds on its behalf.

Section 6. That the City Clerk is directed to send a copy of this ordinance to Clay County.

..end

---

Approved as to form and legality:

---

Katherine Chandler  
Assistant City Attorney

# GENERAL

## Ordinance Fact Sheet

<b>210981</b>
Ordinance Number

**180222**

Brief Title	Approval Deadline	Reason
<u>Arlington Road - Sixth Amendment</u>		

**Details**

**Specific Address**  
 The redevelopment area is generally bounded by Claycomo city limits on the north and on the east, Parvin Road on the south, and Worlds of Fun Avenue on the west in Kansas City, Clay County, Missouri (the "Redevelopment Area").

**Reason For Legislation**  
 The Sixth Amendment to the Plan provides for (a) The addition of the legal description for Project G2, (b) Modifications to the site map, (c) Modifications to the public improvements, (d) Modifications to the budget, and (e) Modifications to the Redevelopment Schedule

**Discussion**

The Arlington Road Tax Increment Financing Plan (the "Plan") contemplates the construction of certain road and infrastructure improvements in an above and below ground development.

The Sixth Amendment to the Plan provides for the following:  
 (a) Adds a legal description for Project Area G2.  
 (b) Allows for 752,000 sq ft of new industrial space in the underground.  
 (c) \$4.7 million is to be allocated to Improvement #9 for electrical utility infrastructure.  
 (d) Reallocates \$6.5 million of interest expense to other budget line items. \$1.8 million for engineering and other soft costs.  
 This utility infrastructure is for the growing demands of e-commerce, advanced manufacturing and data centers.  
 The reallocation does not affect the total Reimbursable Project Costs. They remain the same.

**Positions/Recommendations**

<b>Sponsor</b>	
<b>Programs, Departments, or Groups Affected</b>	Council District 1: In District: Heather Hall, At Large: Kevin O'Neill; NKC Schools; Clay County
<b>Applicants / Proponents</b>	<b>Applicant</b> Tax Increment Financing Commission  <b>City Department</b>  <b>Other</b>  <b>Basis of opposition</b>
<b>Staff (TIF Staff) Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	<b>By Tax Increment Financing Commission</b> <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken  <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)  <input type="checkbox"/> Not Applicable
<b>Council Committee Actions</b>	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation  <input type="checkbox"/> Hold  <input type="checkbox"/> Do not pass

(Continued on reverse side)

**Details**

Statutory Findings: It is Staff's recommendation that the Sixth Amendment does not alter the previous required statutory findings made by the Commission and the City.

**Recommendation:** Approval of the Sixth Amendment to the Arlington Road Tax Increment Financing Plan.

**Policy/Program Impact**

<b>Policy or Program Change</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	Not Applicable

**Finances**

<b>Cost &amp; Revenue Projections -- Including Indirect Costs</b>	The Sixth Amendment to the Arlington Road Tax Increment Financing Plan does not affect total reimbursible project costs.
<b>Financial Impact</b>	The Sixth Amendment to the Arlington Road Tax Increment Financing Plan does not affect total reimbursible project costs.
<b>Fund Source (s) and Appropriation Account Codes</b>	
<b>Is this Ordinance or Resolution Good for the Children?</b>	Yes. Proposed project will lead to the construction of important infrastructure improvements in the Northland

**Applicable Dates:**

**Fact Sheet Prepared by:**

David Leader, Development Services Specialist, Economic Development Corporation of Kansas City, MO

**Reviewed by:**

**Reference Numbers**

SIXTH AMENDMENT  
TO THE  
ARLINGTON ROAD  
TAX INCREMENT FINANCING PLAN

---

KANSAS CITY, MISSOURI

TIF COMMISSION APPROVAL:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
RESOLUTION No.

CITY COUNCIL APPROVAL:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ORDINANCE No.

**SIXTH AMENDMENT  
TO THE  
ARLINGTON ROAD  
TAX INCREMENT FINANCING PLAN**

**I. Introduction**

The Sixth Amendment to the Arlington Road Tax Increment Financing Plan (the “Sixth Amendment”) shall amend the Arlington Road Tax Increment Financing Plan as approved by Ordinance No. 140916 and amended by Committee Substitute for Ordinance No. 150758, by Ordinance No. 160241, by Ordinance No. 170865, by Ordinance No. 180280 and by Ordinance No. 190996 (collectively referred to herein as the “Plan”).

The Sixth Amendment to Plan provides for (1) the addition of legal descriptions for Redevelopment Project Area G2; (2) certain modifications to the Site Maps, (3) certain modifications to the description of the public improvements to be implemented pursuant to the Plan, (4) certain modifications to the Budget Redevelopment Project Costs identified by the Plan, (5) certain modifications to the Redevelopment Schedule and (6) the inclusion of all conforming changes within the Exhibits to the Plan that are in furtherance of the foregoing modifications.

**II. Specific Amendments**

The Plan shall be amended as follows:

**Amendment No. 1:** Section I. of the Plan, entitled “Summary,” shall be deleted in its entirety and replaced with the following:

**I. SUMMARY**

The Arlington Road Tax Increment Financing Plan (the “Plan” or “Redevelopment Plan”) contemplates the construction of certain road and infrastructure improvements in an area generally bounded by Claycomo city limits on the north and on the east, Parvin Road on the south, and Worlds of Fun Avenue on the west in Kansas City, Clay County, Missouri.

It is anticipated that the road and infrastructure improvements will encourage construction of above- and below-ground development. The above-ground development area is approximately 370 acres, which currently includes three (3) Redevelopment Project Areas and, by virtue of subsequent amendments to the Plan and separate Ordinances passed by the City Council, may include an additional 24 separate Redevelopment Project Areas for anticipated development that will include construction of industrial uses, data centers and related improvements. The below-ground development area is approximately 375 acres, which includes eight (8) Redevelopment Project Areas and, by virtue of subsequent amendments to the Plan and separate Ordinances passed by the City

Council, may include an additional 21 separate Redevelopment Project Areas for anticipated development that will include construction of industrial uses and data centers.

The estimated Redevelopment Project Costs to implement the road and public infrastructure improvements contemplated by the Plan are approximately \$66,599,956, together with financing costs related thereto in the approximate amount of \$27,347,908 for an aggregate approximate amount of \$93,947,864, all of which is to be reimbursed from TIF Revenue (as hereafter defined) and contributions from the City of Kansas City, Missouri (the "City"). The Reimbursable Project Costs are identified on **Exhibit 4A**, attached to this Plan.

The total initial equalized assessed valuation of the Redevelopment Area according to 2014 records at the Clay County Assessor's Office is approximately \$21,680 for the above-ground portion of the Redevelopment Area and \$315,140 for the below-ground portion of the Redevelopment Area. The 2013 combined ad valorem property tax levy is \$8.6323 per \$100 assessed valuation. The 2013 annual ad valorem tax revenue from the Redevelopment Area was approximately \$1,884 for the above-ground portion of the Redevelopment Area and \$32,214 for the below-ground portion of the Redevelopment Area. Following the completion of all Public Infrastructure Improvements (as hereafter defined), it is estimated that the assessed value of the property located within the above-ground portion of the Redevelopment Area will increase to approximately \$71,268,270 and the assessed value of the property located within the below-ground portion of the Redevelopment Area will increase to approximately \$9,544,757.

Pursuant to the Act, tax increment financing allows for the use of Economic Activity Taxes and Payment in Lieu of Taxes generated and collected within the Redevelopment Project Areas for a twenty-three (23) year period to pay Reimbursable Project Costs. The estimated total Payments In Lieu of Taxes generated within the ten (10) Redevelopment Project Areas legally described on **Exhibit 1B** and which will be available to pay Reimbursable Project Costs is approximately \$2,903,121 and the estimated total Payments in Lieu of Taxes that may be generated if the potential forty-five(45) Redevelopment Project Areas depicted by the Site Map on **Exhibit 2** are presented to and approved by separate ordinance is \$93,320,944. The estimated total Economic Activity Taxes generated within the ten (10) Redevelopment Project Areas legally described on **Exhibit 1B** and which will be available to pay Reimbursable Project Costs is approximately \$1,994,898 and the estimated total Economic Activity Taxes that may be generated if the potential forty-five (45) Redevelopment Project Areas depicted on the Site Map on **Exhibit 2B** are presented to and approved by separate ordinance is \$15,225,434.

Upon the reimbursement of all Reimbursable Project Costs, Tax Increment Financing will be terminated and the Taxing Districts (as hereafter defined), subject to Section 99.850 RSMo., shall receive all taxes generated within the Redevelopment Area.

**Amendment No. 2:** Section I.F. of the Definitions Section of the Plan, entitled “Economic Activity Taxes,” shall be deleted in its entirety and replaced with the following:

A. “Economic Activity Taxes,” fifty percent (50%) of the total additional revenue from taxes which are imposed by the City or other Taxing Districts, and which are generated by economic activities within the Redevelopment Project Area, over the amount of such taxes generated by economic activities within the Redevelopment Project Area in the calendar year prior to the adoption of the Redevelopment Project by Ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, taxes imposed on sales under and pursuant to section 67.700 or 650.399 for the purpose of emergency communication systems and such other taxes that may be excluded by State law from time to time; provided, however, if the voters in a Taxing District vote to approve an increase in such Taxing District’s sales tax or use tax, other than the renewal of an expiring sales or use tax, any additional revenues generated within the Redevelopment Project Area that are directly attributable to the newly voter-approved incremental increase in such taxing district’s levy rate shall not be considered “Economic Activity Taxes”, without the consent of such Taxing District. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one (1) year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to such redevelopment project area.

**Amendment No. 3:** Section I.J. of the Definitions Section of the Plan, entitled “Payments in Lieu of Taxes” of “PILOTS,” shall be deleted in its entirety and replaced with the following:

“Payment in Lieu of Taxes” or “PILOTS,” revenues from real property taxes generated within the Redevelopment Project Area which are to be used to reimburse the Redevelopment Project Costs identified by the Plan, which Taxing Districts would have received had the City not adopted tax increment allocation

financing, and which result from levies made after the time of the adoption of tax increment allocation financing within the Redevelopment Project Area that is approved by Ordinance (but excluding the blind pension fund tax levied under the authority of Article III, Section 38(b) of the Missouri Constitution and the merchant's and manufacturer's inventory replacement tax levied under the authority of subsection 2 of Section 6 of the Missouri Constitution) and during the time the current equalized value of real property in the Redevelopment Project Area exceeds the Total Initial Equalized Assessed Value of real property in the Redevelopment Project Area, until the designation is terminated pursuant to the Act, provided however, if the voters in a Taxing District vote to approve an increase in such Taxing District's levy rate for ad valorem tax on real property, any additional revenues generated within the Redevelopment Project Area that are directly attributable to the newly voter-approved incremental increase in such Taxing District's levy rate shall not be considered Payments in Lieu of Taxes without the consent of such Taxing District. Revenues will be considered directly attributable to the newly voter-approved incremental increase to the extent that they are generated from the difference between the taxing district's actual levy rate currently imposed and the maximum voter-approved levy rate at the time that the Redevelopment Project was adopted.

**Amendment No. 4:** Section III.C. of the Plan, entitled "Public Infrastructure Improvements," shall be deleted in its entirety and replaced with the following:

C. The Public Infrastructure Improvements. The Public Infrastructure Improvements will consist of extending and connecting two existing roads with associated public improvements. A Site Plan generally depicting the location of the Public Infrastructure Improvements within and adjacent to the Redevelopment Area is attached as Exhibit 2C and is detailed below:

1. Improvement 4A – NE 48<sup>th</sup> Street Temporary Cul-de-sac - Current terminus east of N. Wallace Drive.
2. Improvement 1 – N Arlington Avenue (East) - beginning at current terminus and continuing 1,450 linear feet north to Arlington Cul-de-sac.
3. Improvement 8 – Sanitary Sewers - 10,110 linear feet, which shall consist of 12" – 3,810 linear feet and 8" – 6,300 linear feet.
4. Improvement 1A – N Arlington Avenue (West) - beginning at Arlington Cul-de-sac and continuing west 1,140 linear feet to Stream Corridor.
5. Improvement 1B – N Arlington Cul-de-sac - beginning at N Arlington Ave and continuing south 1,500 feet.
6. Improvement 2 – NE 48<sup>th</sup> Street - beginning at N Wallace Dr and continuing 1,800 linear feet to Stream Corridor.

7. Improvement 2A – NE 48<sup>th</sup> Cul-de-sac- beginning at NE 48<sup>th</sup> Street and continuing north 1,500 linear feet.
8. Improvement 4 – NE 48<sup>th</sup> Street Widening - beginning at I-435 and continuing 3,200 linear feet to the current terminus.
9. Improvement 5 – NE 48<sup>th</sup> Street Crossing - beginning at Stream Corridor and continuing 915 linear feet to connect to Improvement Phases 1A and 2.
10. Improvement 7B – NE 48<sup>th</sup> Street UG Structural Work - underground structural work for NE 48<sup>th</sup> Street.
11. Improvement 3 – N Kentucky Avenue - beginning at NE 48<sup>th</sup> Street and continuing south 2,200 linear feet.
12. Improvement 6 – N Kentucky Avenue Crossing - beginning at current terminus and continuing north 625 linear feet.
13. Improvement 7A – Entrance Drive - beginning at NE 48<sup>th</sup> Street and continuing north 2,045 linear feet.
14. Improvement 9 – Electrical Utility Infrastructure to planned surface and underground buildings.

**Amendment No. 5:** The first paragraph of Section IV.A. of the Plan, entitled “Estimated Redevelopment Project Costs”, shall be deleted in its entirety and replaced with the following:

A. Estimated Redevelopment Project Costs. The total cost to the Redeveloper to implement the Public Infrastructure Improvements, undertaken on behalf of the City and, which will be dedicated to the City upon completion, with exception of the entrance drive, is estimated to be \$66,599,956, together with financing costs related thereto in the approximate amount of \$27,347,908. The Reimbursable Project Costs, in the estimated amount of \$93,947,864 are identified on Exhibit 4A, attached hereto.

**Amendment No. 6:** Exhibit 1B, entitled “Legal Descriptions – Redevelopment Project Areas” shall be deleted and replaced with Exhibit 1B to this Sixth Amendment.

**Amendment No. 7:** Exhibit 2B, entitled “Redevelopment Plan Area (Below-Ground)” shall be deleted and replaced with Exhibit 2B to this Sixth Amendment.

**Amendment No. 8:** Exhibit 4A, entitled “Redevelopment Project Costs” shall be deleted and replaced with Exhibit 4A to this Sixth Amendment.

**Amendment No. 9:** Exhibit 4B, entitled “Redevelopment Schedule” shall be deleted and replaced with Exhibit 4B to this Sixth Amendment.

**Amendment No. 6**

**EXHIBIT 1B  
LEGAL DESCRIPTIONS – REDEVELOPMENT PROJECT AREAS**

**Original TIF Plan, Ordinance 140916 – November 6, 2014**

**Above-Ground Redevelopment Project 8**

All that part of the Northeast Quarter of Section 2, Township 50 North, Range 32 West, and the Southeast Quarter of Section 35, Township 51 North, Range 32 West, all being in Kansas City, Clay County, Missouri, being described as follows: Commencing at the Northeast corner of the Northeast Quarter of said Section 2; thence North 89°31'30" West, along the North line of said Northeast Quarter, 1,492.56 feet to the Point of Beginning of the tract of land to be herein described; thence South 42°46'43" East, 240.20 feet; thence South 51°22'04" West, 948.75 feet; thence Northwesterly, along a curve to the left, having an initial tangent bearing of North 13°01'51" West with a radius of 1,040.00 feet, a central angle of 30°57'02" and an arc distance of 561.80 feet; thence North 38°38'00" East, 818.62 feet; thence South 42°46'43" East, 488.50 feet to the Point of Beginning. Containing 540,092 square feet or 12.40 acres, more or less. All lying above the Winterset Ledge of limestone rock.

**Below-Ground Redevelopment Project Area A-1**

A tract of land in the Southwest Quarter of Section 2, Township 50 North, Range 32 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri being bounded and described as follows: Commencing at the Southeast corner of said Southwest Quarter; thence North 00°40'32" East, along the East line of said Southwest Quarter, 1,311.92 feet; thence South 90°00'00" West, 1,105.02 feet; thence South 00°00'00" East, 21.00 feet; thence South 90°00'00" West, 341.18 feet; thence South 00°00'00" East, 126.94 feet to the Point of Beginning of the tract of land to be herein described; thence continuing South 00°00'00" East, 298.58 feet; thence South 90°00'00" West, 100.00 feet; thence North 00°00'00" East, 298.58 feet; thence North 90°00'00" East, 100.00 feet to the Point of Beginning. Containing 29,858 square feet or 0.69 acres, more or less. All lying below the Winterset Ledge of Limestone Rock and lying above elevation 700 (NAVD 88).

**First Amendment, Ordinance 150758 – September 17, 2015**

**Below-Ground Redevelopment Project Area F**

Hunt Midwest SubTropolis

A tract of land in the South Half of Section 3, Township 50 North, Range 32 West of the 5th Principal Meridian, all lying below the top of the Winterset Ledge of Limestone Rock and lying above elevation 700 (NAVD 88), in Kansas City, Clay County, Missouri, being bounded and described as follows: Commencing at the Southeast corner of the Southwest Quarter of Section 2, Township 50 North, Range 32 West of the 5th Principal Meridian; thence North 00°40'32" East, along the East line of said Southwest Quarter, 708.86 feet; thence North 89°19'28" West,

2,546.16 feet; thence North 89°11'38" West, 870.33 feet; thence North 89°17'57" West, 1,016.38 feet; thence South 00°42'27" West, 40.00 feet to the Point of Beginning of the tract of land to be herein described; thence South 00°38'01" West, 498.14 feet; thence North 89°24'17" West, 236.32 feet; thence South 01°05'26" West, 64.92 feet; thence North 89°09'57" West, 605.08 feet; thence North 00°30'36" East, 560.75 feet; thence South 89°23'25" East, 843.13 feet to the Point of Beginning. Containing 458,353 square feet or 10.52 acres, more or less.

### **Below-Ground Redevelopment Project Area G1**

Hunt Midwest SubTropolis

A tract of land in the Southwest Quarter of Section 2 and the South Half of Section 3, both in Township 50 North, Range 32 West of the 5th Principal Meridian, all lying below the top of the Winterset Ledge of Limestone Rock and lying above elevation 700 (NAVD 88), in Kansas City, Clay County, Missouri, being bounded and described as follows: Commencing at the Southeast corner of said Southwest Quarter of said Section 2; thence North 00°40'32" East, along the East line of said Southwest Quarter, 708.86 feet; thence North 89°19'28" West, 2,546.16 feet to the Point of Beginning of the tract of land to be herein described; thence North 89°11'38" West, 870.33 feet to a point hereafter known as Point "A"; thence North 00°43'54" East, 540.44 feet; thence South 89°36'32" East, 869.89 feet; thence South 00°40'59" West, 546.74 feet to the Point of Beginning. Containing 472,982 square feet or 10.86 acres, more or less.

### **Below-Ground Redevelopment Project Area I1**

Hunt Midwest SubTropolis

A tract of land in the Southwest Quarter of Section 2 and the South Half of Section 3, both in Township 50 North, Range 32 West of the 5th Principal Meridian, all lying below the top of the Winterset Ledge of Limestone Rock and lying above elevation 700 (NAVD 88), in Kansas City, Clay County, Missouri, being bounded and described as follows: Commencing at said Point "A"; thence North 89°17'57" West, 1,016.38 feet to a point hereafter known as Point "B", said point being the Point of Beginning of the tract of land to be herein described; thence North 89°23'25" West, 869.02 feet; thence North 00°46'55" East, 866.66 feet; thence South 89°32'05" East, 869.03 feet; thence South 00°46'55" West, 868.85 feet to the Point of Beginning. Containing 754,096 square feet or 17.31 acres, more or less.

## **Second Amendment, Ordinance 160241 – April 7, 2016**

### **Above-Ground Redevelopment Project Area 2**

Hunt Midwest Enterprises

All that part of the Northwest Quarter of Section 2, Township 50 North, Range 32 West, of the 5th Principal Meridian in Kansas City, Clay County, Missouri, being described as follows: Commencing at the Northeast corner of the Northeast Quarter; thence North 89°31'30" West, along the North line of said Northeast Quarter, 2,610.25 feet to the Northwest corner said Northeast Quarter; thence South 87°46'42" West, 1,197.31 feet to the Point of Beginning of the tract of land to be herein described; thence South 00°09'13" East, 785.05 feet; thence North 89°31'45" West, 926.91 feet; thence North 00°26'53" East, 785.00 feet; thence South 89°31'45"

East, 918.66 feet to the Point of Beginning. Containing 724,385 square feet or 16.63 acres, more or less. All lying above the Winterset Ledge of limestone rock.

Property Description:

### **Above-Ground Redevelopment Project Area 3**

Hunt Midwest Enterprises

All that part of the Southwest Quarter of Section 35, Township 51 North, Range 32 West, of the 5th Principal Meridian in Kansas City, Clay County, Missouri, being described as follows: Commencing at the Northeast corner of the Northeast Quarter of Section 2, Township 50 North, Range 32 West; thence North 89°31'30" West, along the North line of said Northeast Quarter, 2,610.25 feet to the Northwest corner of said Northeast Quarter; thence North 88°27'58" West, 1,280.50 feet to the Point of Beginning of the tract of land to be herein described; thence North 89°31'45" West, 447.96 feet; thence North 00°15'10" East, 243.96 feet; thence North 19°59'25" West, 715.18 feet; thence South 89°33'41" East, 695.43 feet; thence South 00°15'14" West, 914.42 feet to the Point of Beginning. Containing 492,495 square feet or 11.31 acres, more or less. All lying above the Winterset Ledge of limestone rock.

### **Third Amendment, Ordinance 170865 – November 9, 2017**

### **Below-Ground Redevelopment Project Area H1**

Hunt Midwest SubTropolis

A tract of land in the Southeast Quarter of Section 3, Township 50 North, Range 32 West of the 5th Principal Meridian, all lying below the top of the Winterset Ledge of Limestone Rock and lying above elevation 700 (NAVD 88), in Kansas City, Clay County, Missouri, being bounded and described as follows: Commencing at the Southeast corner of the Southwest Quarter of Section 2, Township 50 North, Range 32 West; thence North 00°40'32" East, along the East line of said Southwest Quarter, 710.90 feet; thence North 89°19'28" West, 3,456.49 feet to the Point of Beginning of the tract of land to be herein described; thence North 89°17'58" West, 936.38 feet; thence North 00°46'55" East, 891.91 feet to a point of intersection of the westerly extension of the northerly face of building; thence on the said extension of the northerly face of building South 89°38'08" East, 377.66 feet; thence on the northerly face of building, South 00°26'05" West, 7.28 feet; thence on the northerly face of building and the easterly extension thereof; South 89°39'05" East, 557.91 feet; thence South 00°43'54" West, 890.28 feet to the Point of Beginning.

**Fifth Amendment, Ordinance 190996 – December 19, 2019**

**Below-Ground Redevelopment Project Area A2**

Hunt Midwest SubTropolis

A tract of land in the Southwest Quarter of Section 2, Township 50 North, Range 32 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri being bounded and described as TIF boundary as follows: Commencing at the Southeast corner of said Southwest Quarter; thence North 00°40'32" East on the East line of said Southwest Quarter, 840.74 feet; thence leaving said East line, North 89°19'28" West, 1,542.97 feet to the Point of Beginning of the tract of land to be herein described; thence North 89°14'23" West, 94.46 feet; thence North 00°48'10" East, 304.74 feet; thence South 89°37'34" East, 93.75 feet; thence South 00°40'12" West, 305.38 feet to the Point of Beginning. Containing 28,708 square feet or 0.66 acres, more or less. All lying below the top of the Winterset Ledge of Limestone Rock and lying above elevation 700 ( NAVD 88 ).

**Below-Ground Redevelopment Project Area J1**

Hunt Midwest SubTropolis

A tract of land in the Southwest and Northwest Quarter of Section 2 and Southeast and Northeast Quarter of Section 3, Township 50 North, Range 32 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri being bounded and described as TIF boundary as follows: Commencing at the Southeast corner of said Southwest Quarter; thence North 00°40'32" East, on the East line of said Southwest Quarter, 1,469.61 feet; thence leaving said East line, North 89°19'28" West, 2,461.74 feet to the Point of Beginning of the tract of land to be herein described; thence North 89°25'30" West, 486.58 feet; thence North 00°35'13" East, 1,541.36 feet; thence South 89°19'48" East, 488.81 feet; thence South 00°40'12" West, 1,540.55 feet to the Point of Beginning. Containing 751,517 square feet or 17.25 acres, more or less. All lying below the top of the Winterset Ledge of Limestone Rock and lying above elevation 700 (NAVD 88)

**Sixth Amendment, Ordinance 21xxxx – November , 2021**

**Below-Ground Redevelopment Project Area G2**

Hunt Midwest SubTropolis

A tract of land in the Southeast and Northeast Quarter of Section 3 and the Northwest Quarter of Section 2, Township 50 North, Range 32 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri being bounded and described as TIF boundary as follows: Commencing at the Southeast corner of the Southwest Quarter of said Section 2; thence North 00°40'32" East, on the East line of said Southwest Quarter, 1,469.61 feet; thence leaving said East line, North 89°19'28" West, 2,948.32 feet to the Point of Beginning of the tract of land to be herein described; thence North 89°25'30" West, 487.44 feet; thence North 00°43'54" East, 133.40 feet; thence North 89°39'05" West, 488.66 feet; thence North 00°43'54" East, 891.18 feet; thence South 89°39'05" East, 488.66 feet; thence North 00°43'54" East, 862.10 feet; thence South

89°19'48" East, 971.99 feet; thence South 00°40'12" West, 344.50 feet; thence North 89°19'48" West, 488.81 feet; thence South 00°35'13" West, 1,541.36 feet to the Point of Beginning. Containing 1,518,913 square feet or 34.87 acres, more or less. All lying below the top of the Winterset Ledge of Limestone Rock and lying above elevation 700 (NAVD 88)

**Amendment No. 7**

**EXHIBIT 2B  
SITE MAP REDEVELOPMENT PLAN AREA (BELOW-GROUND)**



**Amendment No 8**

**EXHIBIT 4A  
ESTIMATED REDEVELOPMENT PROJECT COSTS**

**EXHIBIT 4A**  
**ESTIMATED REDEVELOPMENT PROJECT COSTS**  
**ARLINGTON TIF PLAN**  
REDEVELOPMENT PROJECT COSTS

Improvement Description		Linear Feet	Beginning/Ending Location	Total Project Costs Costs (Construction)	Reimbursable From TIF Revenue Project Costs (Construction)	Funding From Other Public Funds
4A	48th Street Temporary Cul-de-sac	N/A	Current terminus east of N Wallace Dr	\$ 100,000	\$ 100,000	\$ -
1	Arlington E	1,450	Current terminus north to Arlington Cul-de-sac	\$ 6,341,344	\$ -	\$ 6,341,344
8	Sanitary Sewers*	10,110	12"- 3,810 linear feet, 8" - 6,300 linear feet	\$ 2,048,230	\$ 650,000	\$ 1,398,230
1A	Arlington W	1,140	Arlington Cul-de-sac west to Stream Corridor	\$ 2,706,450	\$ 1,105,316	\$ 1,601,134
1B	Arlington Cul-de-sac	1,500	N Arlington Ave south 1,500 feet	\$ 1,104,378	\$ 1,104,378	\$ -
2	48th Street	1,800	N Wallace Dr to Stream Corridor	\$ 2,425,914	\$ 2,425,914	\$ -
2A	48th Street Cul-de-sac	1,500	NE 48th Street north 1,500 feet	\$ 813,945	\$ 813,945	\$ -
4	48th Street Widening*	3,200	I-435 east to current terminus	\$ 2,682,113	\$ 2,682,113	\$ -
5	48th Street Crossing	915	Stream Corridor; connects Phases 1A and 2	\$ 3,467,515	\$ 3,467,515	\$ -
7B	48th Street UG Structural Work	N/A	Underground structural work for 48th Street	\$ 4,731,858	\$ 4,731,858	\$ -
3	Kentucky	2,200	NE 48th Street south 2,200 feet	\$ 5,653,192	\$ 5,653,192	\$ -
6	Kentucky Crossing	625	Current terminus north 625 feet	\$ 3,114,551	\$ 3,114,551	\$ -
7A	Entrance Drive	2,045	NE 48th Street north 2,045 feet	\$ 9,373,969	\$ 9,373,969	\$ -
9	Electrical Utility Infrastructure	N/A	Electrical infrastructure to planned surface and underground buildings	\$ 4,696,397	\$ 4,696,397	\$ -
<b>Subtotal</b>				<b>\$ 49,259,856</b>	<b>\$ 39,919,148</b>	<b>\$ 9,340,708</b>
Aggregate Engineering/Surveying Fees - 12% of the Construction Costs for each Improvement plus \$150,000 for initial services				\$ 6,061,183	\$ 6,061,183	\$ -
Aggregate Project Management - 5% of the Construction Costs for each Improvement				\$ 2,462,993	\$ 1,995,957	\$ 467,035
Aggregate General Contractor Fee - 8% of the Construction Costs for each Improvement				\$ 3,940,788	\$ 3,193,532	\$ 747,257
Aggregate Professional Services - 7% of the Construction Costs for each Improvement				\$ 3,448,190	\$ 3,448,190	\$ -
Aggregate Interest Expense - 6.50%				\$ 27,347,908	\$ 27,347,908	\$ -
Aggregate TIF Admin. (Initial/Ongoing)				\$ 1,426,946	\$ 1,381,946	\$ 45,000
<b>TOTAL COSTS</b>				<b>\$ 93,947,864</b>	<b>\$ 83,347,864</b>	<b>\$ 10,600,000</b>

\* Resolution 150090, approved February, 5, 2015, directs the City Manager to pursue funding options for Phase 4, the widening of NE 48th Street and Phase 8, sanitary sewers. The costs for construction, engineering, project management, G.C. Fee, Professional Services and Interest Expense, for NE 48th Street is estimated at \$3,540,333 and sanitary sewers are estimated at \$1,413,802.

\*\* Ordinance No. 180418, approved on June 21, 2018, authorizes the Director of Public Works to enter into a Funding Agreement with the Commission, which shall provide that the City, subject to annual appropriation, shall contribute to the Commission Three Million Dollars (\$3,000,000) each year for three (3) consecutive years, beginning in City Fiscal year 2021, for the purpose of paying or reimbursing Redevelopment Project Costs related to Arlington Road East (Improvement 1) and Arlington Road West (Improvement 1A). The amount of Payments in Lieu of Taxes and Economic Activity Taxes to reimburse costs related to Phase 4, the widening of NE 48th Street, and Phase 8, sanitary sewers, shall be reduced by the amount of funds contributed by the City, as contemplated by Resolution 150090.

The amount of reimbursable Redevelopment Project Costs related to Improvement 4, the widening of NE 48th Street, Improvement 8, sanitary sewers, Improvement 1, Arlington Road East, and Improvement 1A, Arlington Road West, shall be reduced by the amount of funds contributed by the City, as contemplated by Resolution 150090, and the Funding Agreement, as authorized by Ordinance No. 180418.

**Amendment No. 9**

**EXHIBIT 4B**

**REDEVELOPMENT SCHEDULE**

<b>Improvement Description</b>	<b>Commencement Date *</b>	<b>Substantially Complete Date **</b>
4A 48th Street Temporary Cul-de-sac	2016	2019
7B 48th Street UG Structural Work	2018	2025
8 Sanitary	2019	2036
1 Arlington E	2019	2025
1A Arlington W	2019	2027
9 Electircal Utility Infrastructure	2021	2040
2 48th Street	2024	2030
2A 48th Street Cul-de-sac	2024	2030
4 48th Street Widening	2024	2030
1B Arlington Cul-de-sac	2026	2027
5 48th Street Crossing	2029	2030
3 Kentucky	2030	2036
6 Kentucky Crossing	2043	2046
7A Entrance Drive	2046	2047

\* Commencement date of the Public Improvements shall be defined as the date that plans for the construction of the Public Improvements are submitted to and accepted by the City.

\*\* Each Public Improvement shall be considered substantially complete when all construction work is accomplished, with the exception of the installation of landscaping, ground cover and signs not related to safety or traffic flow.

The parties acknowledge and agree that the Redeveloper is obligated to construct only those Public Improvements that are identified by the Plan. In the event anticipated market demand does not occur as projected by Redeveloper and acknowledged in writing by the Commission, the parties hereto shall modify the scope of the Public Improvements to reflect the change in market conditions, provided, in any event, all Redevelopment Project Areas shall be approved, by Ordinance, by November 6, 2024 and all Public Improvements, as modified from time to time, by an amendment to the Plan, shall be completed by November 6, 2047.



# Arlington Road TIF Plan 6<sup>th</sup> Amendment

November 3, 2021



ECONOMIC DEVELOPMENT CORPORATION

# Arlington Road TIF Plan Overview

The Plan was approved in 2014, and has been amended 5 times.

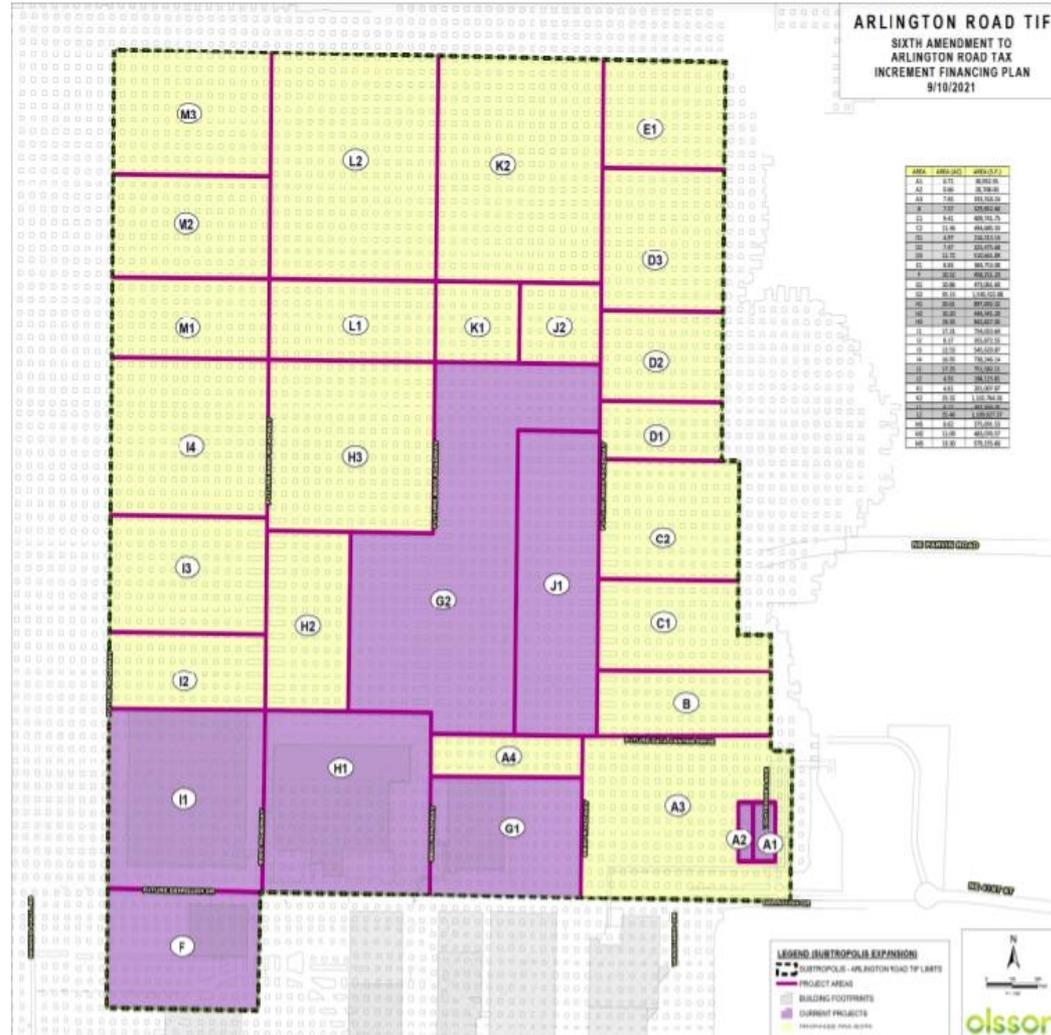
The original plan contemplated the construction of public road and infrastructure improvements to encourage above and below ground development in an area generally bounded by Claycomo city limits, Parvin Road, and Worlds of Fund Avenue. No private improvements have been funded by TIF. The redevelopment area is an economic development area.

## 6<sup>th</sup> AMENDMENT

The 6<sup>th</sup> Amendment provides for:

1. The addition of the legal description for Project G2
2. Modifications to the site map
3. Modifications to the public improvements
4. Modifications to the budget
5. Modifications to the Redevelopment Schedule

# Site Map showing addition of Project G2



## 6<sup>th</sup> AMENDMENT

The 6<sup>th</sup> Amendment provides for the addition of electrical utility infrastructure to the planned surface and underground buildings at an estimated cost of \$4.7 million. The total estimated budget does not change. The completion date for this improvement is 2047.

## RECOMMENDATIONS

The proposed 6<sup>th</sup> Amendment does not alter the statutory findings previously approved by the Commission and the Council.

Staff recommends approval of the 6<sup>th</sup> Amendment.

<b>LEGISLATIVE FISCAL NOTE</b>	LEGISLATION NUMBER:	210981
--------------------------------	------------------------	--------

**LEGISLATION IN BRIEF:**  
 Accepting the recommendations of the Tax Increment Financing Commission as to the Sixth Amendment to the Arlington Road Tax Increment Financing Plan and approving the Sixth Amendment to the Arlington Road Tax Increment Financing Plan; directing the City Clerk to send a copy of this ordinance to Clay County.

**What is the purpose of this legislation?** LEGISLATIVE

*For the purpose of authorizing expenditures new or planned to conduct municipal services*

	<input type="button" value="NO"/>	Yes/No

*See Section 00: " Notes" Below*  
**Section 00: Notes:**

*This legislation approves the Sixth Amendment to the Arlington Road TIF Plan. The total reimbursable project costs are not affected. The net fiscal impact of this legislation should be zero.*

*Five years of operational costs for ongoing programs should be included in Section 04 below.*

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**Section 02: If applicable, where will new revenues be estimated?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**Section 03: If applicable, where will appropriations be increased?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

<b>NET IMPACT ON OPERATIONAL BUDGET</b>	-	-
<i>RESERVE STATUS:</i>		

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
<b>TOTAL REV</b>		-	-	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
<b>TOTAL EXP</b>		-	-	-	-	-	-	-

<b>NET Per-YEAR IMPACT</b>	-	-	-	-	-	-	-	-
<b>NET IMPACT ( SIX YEARS)</b>	-							

REVIEWED BY Tanner Owens, OMB DATE 11/1/2021



---

**File #: 210984**

---

ORDINANCE NO. 210984

Rezoning an approximately nine acre tract of land generally located at the southeast corner of Highway 150 and Prospect Avenue from District R-80 to District M1-1, and approving a development plan that serves as a preliminary plat in order to allow uses of warehousing, wholesaling, and storage. (CD-CPC-2021-00113 and CD-CPC-2021-00114)

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 88-20A-1302, rezoning an approximately nine acre tract of land generally located at the southeast corner of Highway 150 and Prospect Avenue from District R-80 (Residential 80) to District M1-1 (Manufacturing 1 dash 1), said section to read as follows:

Section 88-20A-1302. That an area legally described as:

All that part of the Northwest Quarter of Section 34, Township 47 North, Range 33 West, in the City of Kansas City, Jackson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 34; thence S 3°21'37" W, along the West line of the Northwest Quarter of said Section 34, a distance of 240.00 feet; thence S 86°30'06" E, a distance of 72.06 feet to a point on the South right-of-way line of 150 Highway, as now established, said point also being the point of beginning; thence S 86°24'28" E, along the South right-of-way line of said 150 Highway, a distance of 352.95 feet; thence S 3°21'37" W, a distance of 1024.36 feet; thence N 86°30'06" W, a distance of 405.00 feet to a point on the Easterly right-of-way line of Prospect Avenue, as now established; thence along the Easterly right-of-way line of said Prospect Avenue, for the following three (3) courses; thence N 3°21'37" E, a distance of 772.86 feet; thence S 86°38'23" E, a distance of 19.38 feet; thence N 3°21'28" E, a distance of 240.57 feet to a point on the Southerly right-of-way line of said 150 Highway; thence along the Southerly right-of-way line of said 150 Highway, for the following two (2) courses; thence S 84°04'25" E, a distance of 0.65 feet; thence N 73°45'15" E, a distance of 34.01 feet to the point of beginning, containing 9.4106 acres, more or less, of unplatted land.

is hereby rezoned from District R-80 (Residential 80) to District M1-1 (Manufacturing 1 dash 1), all as shown outlined on a map marked Section 88-20A-1302, which is attached hereto and made

a part hereof, and which is hereby adopted as a 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 that will also serve as a preliminary plat for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall provide engineer, design and calculations for material holding areas due to loading and surcharge.
2. The proposed building without direct connection to utilities required per code shall only be granted as a temporary structure for no longer than one year from the date the special use permit is granted. A future permanent building when proposed shall comply with the building code and are subject to the City's permitting process.
3. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and the developer shall be responsible for all costs associated with subordination activities now and in the future.
4. The developer shall secure permits to extend public 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.
5. The developer shall dedicate additional right-of-way for Prospect Avenue as required by the adopted major street plan so as to provide a minimum of 40 feet of right-of-way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the major street plan prior to City Plan Commission approval.
6. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
7. 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.
8. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the

planned project without the prior written consent of the Land Development Division.

9. The developer shall submit documentation verifying the compliance of the proposed septic system with current City building codes as part of the building plan review. If the proposed septic system cannot meet either the building code or Missouri Department of Natural Resources (MDNR) requirements, the developer shall be responsible for providing sewer service by other means which may require the extension of a public sanitary sewer main.
10. 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.
11. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
12. 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.
13. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
14. 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.
15. 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.

16. 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.
17. All proposed signage shall comply with 88-445 and is subject to permits.
18. The developer shall revise the fence materials used for areas abutting the public streets to either vinyl coated chain-link or wrought iron or other similar decorative metal fencing as required by 88-425-09-B prior to issuance of permits.
19. For any construction work in MoDOT right-of-way, pull all necessary permits from MoDOT.
20. 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.
21. The developer shall show screening of outdoor display areas, storage areas and/or work areas in compliance with 88-425-09. The storage bins shall be at least 6-foot tall and screened by berming and landscape.
22. 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.
23. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
24. 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.
25. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
26. Fire hydrant distribution shall follow IFC-2018 Table C102.1. 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 241-2013 § 8.7.2)
27. If an approved security gate spans across a fire access road, an approved means for emergency operation shall be provided. (IFC-2018 § 503.6)

28. The developer shall ensure the cross-road culvert under Prospect Avenue, near the southwest corner of the subject site, which receives stormwater runoff from the subject site and conveys it downstream, meets adopted APWA 5600 design criteria, in that it provides appropriate level of service for Prospect Avenue and has adequate energy dissipation at its outlet, prior to issuance of any construction permits for the site.
29. A full flow fire meter will be required and existing service and meter must be killed.
30. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
31. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
32. The developer shall submit fire hydrant installation plans prepared by a registered professional engineer in Missouri to the water main extension desk for review, acceptance and contracts per the Kansas City water rules and regulations for water main extensions and relocations.
33. If a pre-manufactured building is considered for the future building, developer shall provide a Missouri Public Commission approved package.

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.

..end

---

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

---

Secretary, City Plan Commission

Approved as to form and legality:

---

Sarah Baxter

Assistant City Attorney



---

**File #: 210985**

---

RESOLUTION NO. 210985

Approving an amendment to the Martin City Area Plan to change the recommended land use from office to industrial use for approximately nine acres generally located at the southeast corner of Prospect Avenue and M-150 Highway. (Case No. CD-CPC-2021-00112).

WHEREAS, on March 5, 2020, the City Council by Resolution No. 200184 adopted the Martin City Area Plan as a guide for the future development and public investment; and

WHEREAS, an application was submitted to the City Planning and Development Department to amend the Martin City Area Plan by changing the recommended land use from office to industrial use for approximately nine acres generally located at the southeast corner of Prospect Avenue and M-150 Highway; and

WHEREAS, legal notice of the public hearing before the City Plan Commission was published on January 31, 2020, in conformity with state and local laws; and

WHEREAS, after all interested persons were given an opportunity to present testimony, the City Plan Commission did on February 18, 2020, recommend approval of the proposed amendments to the Martin City Area Plan; NOW, THEREFORE,

**BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:**

Section A. That the Martin City Area Plan is hereby amended as to the Proposed Land Use Plan and Map for that area of approximately 9 acres generally located at the southeast corner of Prospect Avenue and M-150 Highway from office to industrial use. A copy of the amendment to the Martin City Land Use Plan is attached hereto as Exhibit A and incorporated herein by reference.

Section B. That the amendment to the Martin City Area Plan is consistent and complies with the FOCUS Kansas City Plan, adopted on October 30, 1997, by Committee Substitute for Resolution No. 971268, and is adopted as a supplement to the FOCUS Kansas City Plan.

Section C. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices have been given and hearings have been held as required by law.

..end





---

**File #: 210988**

---

ORDINANCE NO. 210988

*Estimating revenue in the amount of \$200,000.00 and appropriating the same amount in the Kansas City Brownfields Revolving Loan Fund; approving a Kansas City Brownfields Revolving Loan Fund Program loan application submitted by ZB AC LLC for remediation of the former Crispus Attucks Elementary School in the aggregate amount of \$300,000.00; authorizing the Director of City Planning and Development to execute the necessary loan documents; and extending the performance periods under the Amended and Restated Performance Deed of Trust held by the City.*

*WHEREAS, a Brownfields Revolving Loan Fund (RLF) Program has been established by the City of Kansas City, Missouri (the "City"), and the U.S. Environmental Protection Agency (EPA) has awarded Brownfields RLF Grant Funds to the City in the amount of \$3,950,107.00, and the City has entered into Federal Cooperative Agreement No. BF-97700901 with EPA; and*

*WHEREAS, on October 16, 2020, the City's Brownfields Commission (the "Commission") adopted Resolution 002-2020 approving subject to preconditions an application submitted by ZB AC LLC to the Kansas City Brownfields RLF Program for a loan in the amount of \$100,000 to abate asbestos containing materials, lead-based paint and other hazardous substances from the structure known as the former Crispus Attucks Elementary School, located at 1818 East 19th Street, Kansas City, MO 64108 (the "Site"); and*

*WHEREAS, on September 28, 2021 ZB AC LLC subsequently applied to increase the amount of the loan sought to an aggregate amount of \$300,000.00, and*

*WHEREAS, on October 18, 2021, the Brownfields Commission adopted Resolution No. 001- 2021 recommending that the City Council approve an RLF Loan to ZB AC LLC in the amount of \$300,000.00 for the cleanup of the Site ("RLF Loan"), subject to the preconditions that: (1) the EPA confirms eligibility of the loan under the Federal Cooperative Agreement; (2) the City's loan consultant reviews the current and updated financial information submitted by ZB AC LLC and provides a basic financial re-evaluation of the loan satisfactory to the City and the Commission; and (3) ZB AC LLC demonstrates a source of funds to pay the remaining remediation project costs in excess of the loan amount; and*

*WHEREAS, the first precondition has been met by the communication from Catherine Chiccine, EPA Region 7 dated November 16, 2020 and Susan Klein, EPA Region 7 dated October 28, 2021; and*

*WHEREAS, the second precondition has been met by the City's loan consultant providing a basic financial re-evaluation of the RLF Loan satisfactory to the City and the Commission, dated October 18, 2021; and*

*WHEREAS, the third precondition has been met by the submittal of current financial documents by ZB AC LLC demonstrating a source of funds for the remaining remediation project costs; and*

*WHEREAS, ZB AC LLC has secured construction loan financing, state and federal historic preservation tax credits, and equity partner contributions to the project, and has provided cash flow projections demonstrating how the project is expected to generate sufficient revenues to cover its brownfields loan and other debt service obligations; and*

*WHEREAS, ZB AC LLC has provided an updated redevelopment plan with information on how the project is expected to produce long term cultural, business, educational, health and economic benefits for the 18th & Vine Jazz District, the surrounding communities and for Kansas City as a whole; and*

*WHEREAS, ZB AC, LLC, submitted a development plan as a part of the rezoning of the Site, which development plan was approved by this Council through the passage of Ordinance No. 210251 on April 1, 2021; and*

*WHEREAS, on February 18, 2021, this Council approved an extension and modification of the performance terms and conditions of that certain Performance Deed of Trust, pursuant to Committee Substitute for Ordinance No. 210139, the intent of which was evidenced by the execution of the Amended and Restated Performance Deed of Trust recorded March 18, 2021, as Instrument No. 2021E0029546 ("Amended Deed of Trust"); and*

*WHEREAS, the time periods for the satisfaction of certain conditions stated in the Amended Deed of Trust need to be extended and modified to continue to assure progress in the redevelopment of the Project; NOW, THEREFORE,*

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

*Section 1. That revenue in the following account of the Brownfields Revolving Fund is estimated in the following amount:*

<i>22-2550-640001-458120-G64BRLFPI</i>	<i>Program Income</i>	<i>\$200,000.00</i>
--	-----------------------	---------------------

Section 2. That an amount of \$200,000.00 is appropriated from the Unappropriated Fund Balance of the Brownfields Revolving Loan Fund into the following account:

22-2550-645020-B-G64BRLFPI	Brownfield Rev Loan- Program, Inc.	\$200,000.00
----------------------------	---------------------------------------	--------------

Section 3. The application of ZB AC LLC for an RLF Loan from the City for the Project is approved for an amount not to exceed \$300,000.00 and funded from funds previously appropriated in the following accounts:

22-2550-645020-B-G64BRLFPI	Brownfield Rev Loan- Program, Inc.	\$200,000.00
22-2550-0645020-B-G64BRLF	EPA-Brownfields RLF	<u>100,000.00</u>
	TOTAL	\$300,000.00

Section 4. The Director of City Planning and Development is authorized to execute with ZB AC LLC, the site owner Zhou B Art Center of Kansas City, LLC, and related entities the necessary loan documents to memorialize, issue, and secure the RLF Loan, all in accordance with the terms and conditions of the City's Cooperative Agreement with USEPA governing the RLF Program. Copies of the loan documents, approved in substantial form, are on file with the City Planning and Development Department.

Section 5. The Director of City Planning and Development is authorized to take such necessary further acts related to the RLF Loan and loan documents all consistent with this ordinance.

Section 6. The City Council hereby finds and determines that the terms and conditions as set forth in Section 2 of the Amended Deed of Trust need to be modified and extended, to revise the benchmarks to allow the closing on the construction loan with a third party by February 1, 2022, to obtain all requisite building permits by March 1, 2022, but not to extend the date for the completion of the renovation of approximately 60,000 square feet of gross leasable area for reuse by no later than July 1, 2023 consistent with the development plan approved by the City pursuant to Ordinance No. 210251.

Section 7. The Director of General Services is hereby authorized and directed to negotiate and execute a modification of the Amended Deed of Trust, and any other documents to effectuate the intent of the extension as deemed appropriate by such Director, consistent with the periods of performance set out in Section 6 above.

..end

*I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.*

---

*Tammy L. Queen  
Director of Finance*

*Approved as to form and legality:*

---

*Amelia McIntyre  
Assistant City Attorney*



# LEGISLATIVE FISCAL NOTE

LEGISLATION  
NUMBER:

210988

**LEGISLATION IN BRIEF:**

Estimating revenue in the amount of \$200,000 and appropriating the same amount in the Kansas City Brownfields Revolving Loan Fund; approving a Kansas City Brownfields Revolving Loan Fund Program loan application submitted by ZB AC LLC for remediation of the former Crispus Attucks Elementary in the aggregate amount of \$300,000.

**What is the purpose of this legislation?**

OPERATIONAL GRANT

*For Accepting financial contributions from Federal State and/or third parties to fund municipal programs. Programs supported by grants may require matching contributions from the City, or for the City to pay for program activities beyond the lifespan of the grant.*

**Does this grant require a match?**

NO

Yes/No

See Section 00: " Notes" Below

**Does this legislation estimate Grant Revenues?**

YES

Yes/No

See Section 02 for the New Estimated Revenues by Year.

**Does this legislation estimate Grant Appropriations?**

YES

Yes/No

See Section 03 Below, Note all future Revenues in Section 04.

**Does this grant create an ongoing expense for the city?**

NO

Yes/No

See Section 00: " Notes" Below

**Section 00: Notes:**

If this grant is renewable, we do not assume that it will renew. If it is not, the city assumes the full cost in out years.

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2550	645020	B	VARIOUS	300,000.00	

**Section 02: If applicable, where will new revenues be estimated?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2550	640001	458120	G64BRLFPI	200,000.00	

**Section 03: If applicable, where will appropriations be increased?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2550	645020	B	G64BRLFPI	200,000	

**NET IMPACT ON OPERATIONAL BUDGET**

RESERVE STATUS:

REVENUE SUPPORTED

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2550	Brownfields Rev Loan	200,000						
<b>TOTAL REV</b>		<b>200,000</b>	-	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2550	Brownfields Rev Loan	200,000						
<b>TOTAL EXP</b>		<b>200,000</b>	-	-	-	-	-	-

**NET Per-YEAR IMPACT**

**NET IMPACT ( SIX YEARS)**

REVIEWED BY

James Sturdevant, OMB

DATE

10/28/2021







---

**File #: 200810**

---

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 200810

Approving the petition to establish the Health Sciences District Community Improvement District; establishing the Health Sciences District Community Improvement District generally located north of E. 25th Street, south of E. 22nd Street, and bounded by Gilham Road to the west and Troost Avenue to the east, Kansas City, Jackson County, Missouri; requiring the annual submission of certain records; and directing the City Clerk to report the creation of the District to the Missouri Department of Economic Development.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the petition (“Petition”) to establish the Health Sciences District Community Improvement District (the “District”) as a political subdivision in accordance with Section 67.1401 through Section 67.1571, RSMo, otherwise known as the Missouri Community Improvement District Act (the “Act”), and which is attached to this Ordinance as Exhibit 1, is hereby approved.

Section 2. That the District is hereby established for the purposes set forth in the Petition, except that any redirection of economic activity tax programs or other economic incentives must be approved by City Council or the appropriate authorizing body in a separate ordinance or relevant action. The District shall otherwise have all the powers and authority authorized by the Petition, the Act, and by law, and shall continue to exist for a period of twenty (20) years or more consistent with the terms of the Petition.

Section 3. That the District shall annually submit its proposed budget, annual report and copies of written resolutions passed by the District’s board to the City pursuant to Section 67.1471, RSMo.

Section 4. That upon the effective date of this Ordinance, the City Clerk is hereby directed to report the creation of the District to the Missouri Department of Economic Development pursuant to Section 67.1421.6, RSMo, by sending copy of this ordinance to said agency.

Section 5. The District shall enter into a cooperative agreement with the City, the form of which shall be substantially similar to that which is attached to this Ordinance as Exhibit 2.

..end

---

Approved as to form and legality:

---

Eluard Alegre  
Assistant City Attorney

# GENERAL

## Ordinance Fact Sheet

200810

Ordinance Number

Brief Title HEALTH SCIENCES  
 Approval Deadline \_\_\_\_\_  
 Reason \_\_\_\_\_  
**COMMUNITY IMPROVEMENT DISTRICT**

**Details**

**Positions/Recommendations**

**Reason for Legislation**

Establishing the Health Sciences Community Improvement District; generally located North of 25th Street, south of 22nd Street, and bounded by Gilham Rd to the West and Troost Ave. to the East Kansas City, Jackson County, Missouri and directing the City Clerk to report the creation of the District to the Missouri Department of Economic Development.

<b>Sponsor</b>	
<b>Programs, Departments, or Groups Affected</b>	City Planning & Development Department
<b>Applicants / Proponents</b>	<p><b>Applicant</b></p> <p>City Department City Planning &amp; Development Department</p> <p><b>Other</b></p>

**Discussion** (explain all financial aspects of the proposed legislation, including future implications, any direct/indirect costs, specific account numbers, ordinance references, and budget page numbers.)

This Ordinance, pursuant to the Community Improvement District Act (Act) contained in Section 67 RSMo., approves the Petition and establishes the Health Sciences Community Improvement District as a political subdivision of the State of Missouri.

The District has the powers and authority to levy a sales tax of up to one percent (1.0%) on the selling of tangible personal property, subject to the approval by the registered voters residing in the District.

The area within the District has been declared blighted pursuant to Section 99.430 RSMo by the City Council of the City of Kansas City, Missouri.

The District will continue to exist and function for a period of twenty (20) years.

<b>Opponents</b>	<p><b>Groups or Individuals</b></p> <p>None Known</p> <p><b>Basis of opposition</b></p>
<b>Staff Recommendation</b>	<p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p><b>Reason Against</b></p>
<b>Board or Commission Recommendation</b>	<p><b>By</b></p> <p><input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken</p> <p><input type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p>
<b>Council Committee Actions</b>	<p><input type="checkbox"/> Do pass</p> <p><input type="checkbox"/> Do pass (as amended)</p> <p><input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do not pass</p>

(Continued on reverse side)

**Details**

The revenues generated within the District will be used for the benefit of those within the District by assisting in the construction of certain public and private improvements. It is intended that the improvements will remediate existing blighting conditions within the District.

The estimated costs for the District Services are approximately two million seven hundred fourteen thousand three hundred eleven dollars and sixty-one cents (\$2,714,311.61) for the first five years.

**Projected Operating Costs Eligible Costs**

Public Infrastructure	\$1,900,018.13
Wayfinding	\$190,001.81
Streetscaping	\$190,001.81
Sanitary and Storm Water	\$760,007.25
Parking	\$570,005.44
District Signage	\$190,001.81

**How will this contribute to a sustainable Kansas City?**

This ordinance creates the Health Sciences Community Improvement District as provided for in the Community Improvement District Act. The services provided through the creation of this District are funded through a sales tax. no city funds are used in providing the District's services.

**Policy/Program Impact**

<b>Policy or Program Change</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	None

**Finances**

<b>Cost &amp; Revenue Projections -- Including Indirect Costs</b>	None
<b>Financial Impact</b>	NA
<b>Fund Source (s) and Appropriation Account Codes</b>	NA
<b>Is this Ordinance or Resolution Good for the Children?</b>	Yes, The improvements provided by the District will improve the economic viability and security of the District and surrounding community.

**Applicable Dates:**

**Fact Sheet Prepared by:**

Patricia Solis, Development Specialist

**Reviewed by:**

**Reference Numbers**



---

**File #: 210565**

---

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210565

Amending Chapter 74, Code of Ordinances, by enacting a new Article VII that establishes the City's comprehensive policy for the approval of new community improvement districts and existing community improvement districts; and repealing Second Committee Substitute for Resolution No. 120605 and Resolution No. 130844.

WHEREAS, the Community Improvement District Act, Section 67.1401, RSMo, et seq., ("CID Act") allows property owners to voluntarily form a district in which certain taxes and special assessments are levied in return for local benefits; and

WHEREAS, the City Council is charged by the CID Act with conducting a public hearing for determining whether a lawfully petitioned community improvement district ("CID") should be established; and

WHEREAS, Second Committee Substitute for Resolution No. 120605 was adopted by the City Council on March 7, 2013, for the purpose of establishing the City's policy for approval of new CIDs; and

WHEREAS, Resolution No. 130844 was adopted on November 7, 2013, and amended said policy; and

WHEREAS, Resolution No. 200309 was adopted on April 30, 2020, and directed the City Manager to make recommendations to the City's existing CID policy to ensure existing policy adequately reflected Council's priorities and provided sufficient guidance to Council in approving new CIDs; and

WHEREAS, the City Manager engaged and surveyed community stakeholders and presented its recommendations to Council focusing on limiting the sales tax burden, reducing the use of single parcel CIDs, increasing the public benefit, and improving transparency and communication; and

WHEREAS, this ordinance reflects a comprehensive City CID policy that consolidates prior policy directives, recommendations from the audit released by the City Auditor in April of 2021, and adopted resolutions with the City Manager's recommendations; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the following Resolutions are hereby repealed in their entirety:

- (a) Second Committee Substitute for Resolutions No. 120605; and
- (b) Resolution No. 130844.

Section 2. That Chapter 74, Code of Ordinances of Kansas City, Missouri, is hereby amended by enacting a new Article VII entitled “Community Improvement Districts” to read as follows:

**CHAPTER 74**

**ARTICLE VII.  
COMMUNITY IMPROVEMENT DISTRICTS**

**Sec. 74-301. Generally.**

(a) *Purpose.* A community improvement district (“CID”) is a separate legal entity, either a political subdivision or not-for-profit corporation, which is established to pay for public improvements or private projects through a sales and use tax, special assessment, or real property tax.

(b) *Application.* The provisions contained in this Article are in addition to any requirements contained in the Community Improvement District Act, Sections 67.1401 to 67.1571, RSMo.

**Sec. 74-302. Requirements to Establish a CID.**

(a) *Petition.* The petition shall:

- (1) Inform the property owners of the right to initiate a petition to terminate the proposed CID as provided by section 67.1481, RSMo.
- (2) Provide that the City Auditor shall have the right to examine or audit the records of the CID and shall require that the CID make such records available to the City Auditor within ten (10) days after a written request for the same is made.
- (3) Estimate the revenue to be used for benefits to the public and describe such benefits.

(b) *Board Composition.* No CID shall be approved unless at least one (1) board member is a member or representative of a neighborhood association or other community group existing within or adjacent to the boundaries of the proposed CID, or, alternatively, is approved by the City Manager or their designee. Such board member shall have no financial interest in any real property or business operating within the CID.

(c) *Term.* CIDs shall be limited to a term of twenty (20) years. However, if the petition provides that sales tax revenue will be used to repay debt issued to fund capital improvements, blight removal, or both, the term may be up to twenty-seven (27) years.

(d) *Blight Determination.* Any CID requesting a finding of blight or relying on a prior determination of blight for the purposes of exercising the additional powers under Section 67.1461.2, RSMo., shall submit with its petition:

- (1) A blight study, outlining the blighting factors and conditions, which blight study shall have been completed no more than five (5) years prior to the date upon which the petition is submitted to the city clerk, and which shall identify, to the extent reasonably deemed possible by the consultant doing the blight study, the owner(s) of the property at such time as the blighting factors and conditions might reasonably have been determined to first occur and remain unabated;
- (2) Information on the maintenance of the property including, among other things, any capital maintenance outlays, during the five (5) years preceding the submission of the petition;
- (3) Official documentation notarized by the county wherein the CID is proposed to be located, denoting the total assessed valuation of each parcel located within the proposed CID for each of the five (5) immediately preceding tax years;
- (4) A construction budget, with respect to any proposed physical improvements, that is structured to address and remediate the cited blighting factors and conditions identified in the submitted blight study. Such budget shall specify which expenditures are associated with exterior improvements, public improvements, or other improvements; and
- (5) A time schedule clearly setting forth timelines for commencement and completion of remediation of cited blighting factors or conditions.

(e) *City Manager Execution.* The City Manager shall not execute any petition on behalf of the City as a property owner seeking to establish a CID unless authorized by the City Council.

(f) *Cooperative Agreement.* Each CID shall enter into a cooperative agreement with the City that addresses, among other things, requirements of this chapter and state statute. If the CID is established as a political subdivision and takes title to any real property, whether by purchase, gift, grant, bequest, devise or otherwise, the agreement shall address, or shall be amended to address, whether and to what extent the CID shall be required to make payments in lieu of taxes.

### **Sec. 74-303. Criteria for Review for Establishment of a CID**

(a) Prior to approving a petition to establish a CID, City Council shall consider, among other things:

(1) Alignment with City goals expressed in the City's Comprehensive Plan, Area Plans, and economic development policies;

(2) Benefits to the community with preference for petitions that allocate at least ten percent (10%) of the CID's total projected sales tax revenues toward community benefits and services;

(3) Whether there are any existing CIDs within the boundaries of the proposed CID and if such existing CIDs support the establishment of the proposed CID;

(4) The current tax rate and a breakdown of taxes being imposed within the proposed CID boundaries, how the proposed overall tax rate compares to neighboring cities in Missouri, and any impact on the City's ability to impose additional taxes. Such information shall be provided by the Finance Department; and

(5) Whether a shorter term is desirable based upon the nature of improvements and services and the projected budget.

(b) Prior to approving a petition to establish a CID with the additional powers under Section 67.1461.2, RSMo. related to blighted areas, City Council shall consider, among other things:

(1) Whether the completion of exterior improvements and public improvements is prioritized above all other improvements;

(2) Whether any petitioner was the owner of property within the proposed CID boundaries at such time as the blighting factors and conditions might reasonably have been determined to first occur and remain unabated. For purposes of this provision, any current property owner sharing one or more common partners, members, directors or officers with the property owner(s) identified as being responsible for the blighting factors and conditions shall be deemed the same owner(s); and

(3) Whether more than twenty-five percent (25%) of the costs of remediation of blighting conditions located on the interior of any private property shall be funded by public revenues.

(c) Prior to the public hearing to establish a proposed CID, petitioners or their representatives shall provide a detailed letter or memorandum to City Council addressing the criteria contained in this section.

**Sec. 74-304. Reporting Requirements.**

(a) Annual reports and proposed annual budgets submitted to the City pursuant to Section 67.1471, RSMo, shall, among other things, provide a detailed breakdown of the CID revenue used or to be used toward public infrastructure improvements, exterior improvements, interior improvements, and other improvements and services.

(1) Annual reports shall also include the name and contact information of each current board member to be entered into the City's Granicus board and commissions system. Additionally, the annual report shall identify the board member required by Section 74-302(b), if applicable.

(b) The City Clerk shall notify the City Council by communications to be included on the City Council's agenda each time a CID files its proposed annual budget and annual report with the City Clerk.

(c) City staff shall annually report to the Neighborhood, Planning, and Development Committee on or around October 1 of each year those CIDs that failed to submit their proposed annual budgets and annual reports within the time limits provided by Section 67.1471, RSMo, whether the work performed conformed to previously submitted budgets, and whether the CID adhered to the terms of its cooperative agreement with the City.

(d) When requested by a councilmember, CIDs will be given the opportunity to appear before the Neighborhood, Planning, and Development Committee to report on its activities.

**Sec. 74-305. Fees and Fines.**

(a) *Fees.*

(1) Upon receipt of an invoice from the City, each CID shall reimburse the City for the reasonable and actual expenses incurred by the City to:

- a. Review budgets and reports of the CID required to be submitted to the City annually and report to City Council regarding such review.
- b. Review and approve the petition of a CID formed after passage of this ordinance.
- c. Review and approve the amended petition of an existing CID.

(2) Such reimbursement shall not exceed one and one-half percent (1.5%) of the revenues collected by the CID in the preceding year.

(b) *Fines.* Any CID that fails to submit its proposed annual budgets and annual reports within the timeframe provided by Section 67.1471, RSMo. shall be subject to a fine of \$100 for every thirty (30) days delinquent, up to a maximum total fine of \$3,000.

(c) *Ineligibility.* Any CID with unpaid fees or fines pursuant to this section shall be ineligible to amend its petition, including to extend its term, until such fees or fines have been paid.

(d) *Waiver.* The Director of City Planning and Development may waive the provisions of this section upon a finding of good cause.

Section 3. That Sections 74-302 and 74-303 shall not apply to any proposed CID having submitted its petition to the City Clerk prior to the date upon which this ordinance is adopted; or any proposed CID having begun circulation of its petition prior to the date upon which this ordinance is adopted as attested to by a person directing that the petition be submitted to the City Clerk, and provided further that such petition is submitted within ninety (90) days following the date upon which this ordinance is adopted. Instead, such proposed CIDs must comply with any City polices in effect prior to adoption of this ordinance.

..end

---

Approved as to form and legality:

---

Eluard Alegre  
Assistant City Attorney





---

**File #: 210919**

---

RESOLUTION NO. 210919

RESOLUTION - Adopting an AdvanceKC Purpose and Values Statement and directing the Advance KC 2.0 Standing Committee to evaluate the tiering of incentives, use of an equity scorecard, and a housing continuum.

WHEREAS, the Council adopted Committee Substitute for Resolution No. 210180 Directing City Manager to convene a workgroup of community stakeholders to review the AdvanceKC Process and Scorecard and make recommendations for improvement; and

WHEREAS, the workgroup, known as the AdvanceKC 2.0 Standing Committee, has been established and has been undertaking a review of the AdvanceKC process and policies; and

WHEREAS, a values statement for economic development creates a shared set of beliefs which guides the City in its decision making, system designs, and organizational behaviors related to the utilization and application of incentive tools against which the Council can evaluate its policy decisions; and

WHEREAS, the AdvanceKC 2.0 Standing Committee, has met, and identified value statements related to the use of incentives for Council's consideration and adoption; and

WHEREAS, the AdvanceKC Purpose and Values Statement will guide and direct the City's policies, priorities, processes and its organizational culture towards the advancements of economic development in Kansas City; and

WHEREAS, the AdvanceKC 2.0 Standing Committee has identified certain policy frameworks related to tiering of incentives, an equity scorecard, and a housing continuum, which may advance the economic development policy goals of the City Council; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY

Section 1. That the City Council hereby adopts the following AdvanceKC Purpose and Values Statement and directs the City Manager to submit a copy to the AdvanceKC 2.0 Standing Committee.

2021 AdvanceKC Purpose and Values

The AdvanceKC and its associated plan, processes, and scorecard are a means by which the City Council enacts its shared values and priorities related to economic development and should therefore be implemented in a manner consistent with the following:

1. Make economic development equitable/inclusive;
2. Make economic development more effective for small scale and incremental neighborhood and community developers and development;
3. Ensure that projects eligible for incentives fulfill an adopted economic development policy goal and create desired community outcomes;
4. Ensure economic development tools are accessible to developers and businesses of all sizes without the need for legal representation;
5. Ensure that projects are evaluated based on a consistent set of criteria that is appropriate for the type of development being proposed;
6. Make the process and review of economic development applications/proposals transparent and accountable;
7. Ensure that applications and approvals are considered in a timely manner;
8. Provide relevant and reliable project information to encourage strategic investment of resources;
9. Focus incentives on projects that address economic inequities or where there is a historic lack of investment activity, which is inhibiting economic growth of the surrounding neighborhood or the City overall; and
10. Ensure that the positions of any contributing taxing districts are considered for all projects seeking incentives

Section 2. That the Council states its intention to review these statements and update if appropriate at a minimum every five years in conjunction with the City's Economic Development and Incentives Policy,

Section 3. The Council directs the City Manager to work with the AdvanceKC 2.0 Standing Committee to evaluate policies related to tiering of incentives, use of an equity scorecard, and a housing continuum, in the furtherance of these policy statements, and to provide final recommendations to the City Council by November 30, 2021.

..end

---

**No Fact Sheet  
Provided for  
Resolution No.**

**210919**



---

**File #: 210920**

---

ORDINANCE NO. 210920

Enacting an updated Economic Development and Incentives Policy, replacing the policy enacted by Committee Substitute for Ordinance No. 140031, As Amended.

WHEREAS, on October 25, 2012, the City Council adopted Committee Substitute for Resolution No. 120836 expressing its support for the AdvanceKC Strategic Plan and the related underlying planning process; and

WHEREAS, the City Council then passed Ordinance No. 120966 adopting the AdvanceKC Strategic Plan as the Economic Development Strategic Plan for the City of Kansas City and directing the City Manager to proceed with supporting the planning and development of the implementation phase of the project; and

WHEREAS, the implementation phase began with the April 11, 2013, adoption of Committee Substitute for Resolution No. 130274 which provided a single point of entry for development projects through the Economic Development Corporation of Kansas City Missouri ( the “EDC”); and

WHEREAS, the process continued on February 20, 2014, when the Council passed Committee Substitute for Ordinance No. 140031, which adopts the Economic Development and Incentives Policy; and

WHEREAS, a sound economic development and incentive policy must identify objectives supported by the City Council, which evolve and adapt over time, to provide clarity to developers and businesses seeking incentives, stakeholders impacted by economic development policy decisions, and policy guidance to staff responsible for advancing economic development projects; and

WHEREAS, the Council wishes to update the City Economic Development and Incentives Policy enacted by Committee Substitute for Ordinance No. 140031; NOW, THEREFORE:

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That the Economic Development and Incentives Policy attached hereto as Exhibit A is hereby adopted, replacing the Economic Development and Incentives Policy previously enacted by Committee Substitute for Ordinance No. 140031, As Amended.

Section 2. That the Council states that the policy enacted herein is an expression of intent of the City Council regarding the use of economic incentives and is not to be construed as granting any rights or expectations to any developer, agency, taxing jurisdiction, or citizen with regard to any particular project or process. Within the bounds of applicable law, the Council retains its full authority to use its best reasonable discretion in considering applications for public economic incentives.

Section 3. That the Council states its intension to review and, if appropriate, update, its Economic Development and Incentives Policy at least every five years.

..end

---

Approved as to form and legality:

---

Emalea Black  
Associate City Attorney

**No Fact Sheet  
Provided for  
Ordinance No.**

**210920**



---

**File #: 210936**

---

ORDINANCE NO. 210936

Declaring the Santa Fe Area Council neighborhood to be a blighted and insanitary area in need of redevelopment and rehabilitation pursuant to the Land Clearance for Redevelopment Authority Law; and approving the Urban Renewal Plan for the same, said plan to be known as the Santa Fe Area Council Urban Renewal Plan. (CD-CPC-2021-00148)

WHEREAS, Section 99.430, RSMo, provides that a legislative body may approve a declaration of blight and approve an urban renewal plan for the same area simultaneously; and

WHEREAS, it is desirable and in the public interest that the Land Clearance for Redevelopment Authority of Kansas City, Missouri submit an Urban Renewal Plan for the historic Santa Fe Area Council neighborhood; and

WHEREAS, the Land Clearance for Redevelopment Authority has found said area to be blighted due to the insanitary or unsafe conditions, deterioration of site improvements, and a combination of such factors so as to constitute an economic or social liability to the public health, safety, morals or welfare; and

WHEREAS, the Land Clearance for Redevelopment Authority has recommended and determined that the Santa Fe Area Council Urban Renewal Plan area be eligible for tax abatement and, if necessary, the exercise of eminent domain by the Land Clearance for Redevelopment Authority; and

WHEREAS, the City Plan Commission reviewed and recommended approval of the Santa Fe Area Council Urban Renewal Plan on October 5, 2021; NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That the proposed Urban Renewal area an area generally bound by E. 27<sup>th</sup> Street on the north. Indiana Avenue on the east, Linwood Boulevard on the south, and Prospect Avenue on the west., and more specifically described as found on Exhibit A attached hereto, is a blighted area and in need of redevelopment and rehabilitation and is appropriate for an Urban Renewal Project, and that the undertaking by the Land Clearance for Redevelopment Authority of Kansas City, Missouri, of surveys and plans for an urban renewal project of a character contemplated by Section 99.430, Revised Statutes of Missouri, as amended, and the proposed urban renewal area is hereby approved.

Section 2. That the Council has duly made the findings necessary for compliance with Sections 99.320 and 99.430, Revised Statutes of Missouri, as amended.

Section 3. That the Urban Renewal Plan which is known as the Santa Fe Area Council Urban Renewal Plan, a copy of which is on file in the office of the City Clerk with this ordinance and is incorporated herein by reference, is hereby approved including, if necessary, the power of eminent domain.

Section 4. That pursuant to Section 9 of Second Committee Substitute for Ordinance No. 160383, as amended, the City Council hereby authorizes the abatement of ad valorem real property taxes to the full extent authorized by the Land Clearance for Redevelopment Authority Law with respect to any project qualifying for Jobs-Based or Site-Based “High Impact” designation as determined by the AdvanceKC Scorecard, derived from the City Council’s Economic Development and Incentive Policy, or located in a severely distressed census tract that has continuously maintained such status for not less than ten (10) years immediately prior to the effective date of the request.

Section 5. That said Urban Renewal Plan is hereby found to be feasible and in conformance with the Master Plan for the development of the community as a whole.  
..end

---

Approved as to form and legality:

---

Katherine Chandler  
Assistant City Attorney

**GENERAL**

**Ordinance Fact Sheet**

**Ordinance Number**

**Brief Title: Santa Fe Area Council Urban Renewal Plan**

**Approval Deadline:**

**Reason:**

**Details:**

**Purpose:** To approve a Finding of Blight and the Santa Fe Area Council Urban Renewal Plan.

**Redevelopment Plan Area:** The Santa Fe Area Council Urban Renewal Plan consists of an area generally bound by E. 27<sup>th</sup> Street on the north, Indiana Avenue on the east, Linwood Boulevard on the south, and Prospect Avenue on the west. It excludes those areas located within the existing Santa Fe Urban Renewal Area, which is generally located within the northeastern quadrant of E. 31<sup>st</sup> Street & Prospect Avenue.

**Purpose:** The Santa Fe Area Council Urban Renewal Plan is located near E. 31<sup>st</sup> Street & Prospect Avenue, lying adjacent the Key Coalition neighborhood to the west and the Washington - Wheatley to the north, approximately 3 mile southeast of the Central Business District. It is located within the 3<sup>rd</sup> Council District.

The Santa Fe neighborhood began as part of John Thornton’s distillery and grain mill and later became the Lockridge family farm, which survived into the early 1890s. In 1893, Santa Fe Place began as an exclusive residential neighborhood and by 1915, it had become one of Kansas City’s preeminent neighborhoods for White middle- and upper-class families. Kansas City’s “Twenty Blocks of Black laid just to the west across Prospect Avenue, so in 1931 the neighborhood created a covenant prohibited the sale or rental of any property to Black people for at least thirty years. Just seventeen years later, Dr. D.M. Miller and his wife became the first Black residents of the Santa Fe neighborhood. During the 1950s, the Santa Fe neighborhood became one of the preferred neighborhoods for affluent Black families in Kansas City. The Santa Fe neighborhood thrived for many years.

Kansas City’s “Twenty Blocks of Black” and

adjacent black neighborhoods, including Santa Fe, began to decline in the early 1960s as the nation’s civil rights landscape underwent seismic shifts and allowed middle- and upper-income African-American families to move out, dramatically weakening the economic base of the historically minority neighborhoods. Many long-term residents that could move did move out to more suburban areas, following jobs and better schools. This out-migration depressed property values, which made the Santa Fe neighborhood more affordable to lower-income families and attractive to absentee landlords.

There are, however, signs of change in the area. The Linwood Shopping Center and Linwood Square shopping centers, adjacent to the Santa Fe neighborhood’s southwestern edge, have recently been reinvigorated. Some adjacent neighborhoods are experiencing an influx of new homeowners, who are discovering the architectural appeal and value of the existing housing stock or building new homes, as well as the ease of access to downtown and the entire metropolitan area. There is renewed interest in revitalizing the historic homes associated with some of Kansas City’s historic jazz musicians, as well as the home of the home of Satchel Paige, one of the Negro League’s icons. The Santa Fe neighborhood is well-positioned to benefit from these attributes.

The Plan’s proponents are planning to both rehabilitate historic homes, as well as construct new single-family homes, to stabilize and strengthen the neighborhood’s economic base. The Plan’s proponents believe that these proposed projects would help attract new residents to the neighborhood.

<b>Sponsor</b>	
<b>Programs, Departments, or Groups</b>	<b>Council District: 3rd</b>

<b>Affected</b>	<b>Other Districts (school, etc.):</b> Kansas City Public Schools, Kansas City Public Library
<b>Applicants / Proponents</b>	<b>Applicant:</b> Land Clearance for Redevelopment Authority <b>City Department</b>  <b>Other:</b>
<b>Opponents</b>	<b>Groups or Individuals:</b>  <b>Basis of opposition:</b>
<b>Recommendation</b>	Approval of a Finding of Blight and the Santa Fe Area Council Urban Renewal Plan
<b>Board or Commission Recommendation</b>	<b>By: Land Clearance for Redevelopment Authority</b>

<b>Council Committee Actions</b>	
----------------------------------	--

Fact Sheet Prepared by: Robert D. Long  
Economic Development Corporation  
Date: October 13, 2021



---

**File #: 210961**

---

ORDINANCE NO. 210961

Amending Chapter 10, Code of Ordinances, by repealing several sections and enacting in lieu thereof new sections that 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.

WHEREAS, on May 21, 2020, City Council passed Resolution 200185, directing the City Manager to complete a review of Chapter 10, “Alcoholic Beverages,” Code of Ordinance; and

WHEREAS, the state of Missouri has recently made several changes to state laws implicating the sale of alcoholic beverages; and

WHEREAS, the COVID-19 pandemic emphasized the need for outdoor dining and more flexibility in the evaluation of liquor license provisions; and

WHEREAS, liquor licenses and liquor license establishments form a critical industry in Kansas City and are a central part of Kansas City neighborhoods; and

WHEREAS, the sale of alcoholic beverages can present a unique risk to children, the quality and character of neighborhoods, and collective public safety; and

WHEREAS, the City desires to modernize and adapt the rules and policies to be more efficient and responsive to the current needs of Kansas City residents, neighborhoods, and the industry; NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That Chapter 10, Code of Ordinances is hereby amended by repealing the following sections and replacing them with new sections to read as follows:

**Sec. 10-1. Definitions.**

As used in this chapter:

*Alcohol beverage vaporizer* means any device which, by means of heat, a vibrating element or any method, is capable of producing a breathable mixture containing any one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose and/or mouth.

Alcoholic beverages means malt beverages or intoxicating liquor with an alcohol content of more than one half of one percent by volume.

*Annual gross sales* means the gross sales shown on the prior year's state sales tax receipt or the prior year's convention and tourism tax filings or city occupational license tax receipt for an applicant or licensee.

*Board* means the liquor control board of review established by the city under this chapter to conduct regulatory hearings in connection with the administration and enforcement of the provisions of chapter 10 of the city's Code of Ordinances.

*Caterer* means any establishment whose primary business is the preparation of food and drinks for consumption away from the licensed premises. A caterer must derive 50 percent or more of its annual gross sales from the sale of prepared meals and food consumed at other approved premises. For the purposes of determining whether an establishment qualifies as a caterer under the provisions of this chapter and calculating the amount and percentage of annual gross sales from the sale of prepared meals and food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals and food.

*Church* means any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not the building or structure was originally designed and constructed for that purpose.

*Closed place* means a premises licensed under this chapter where all doors are locked and where no customers are in or about the premises.

*Coin-or-currency-operated amusement device* means pinball machines, marble machines, music-vending machines, pool tables or machines, coin-operated shuffleboards and any other device operated by the insertion of a coin, currency, disc or other insertion piece, whether or not also manipulated by the operator, and which operate for the amusement of the operator, whether or not by registering a score. It shall not include "slot machines," "claw machines," or other machines prohibited by state law. It shall not include machines or devices used bona fide and solely for the vending of service, food, confections or merchandise.

*Conditional license or permit* means a license or permit issued under this chapter that has additional listed restrictions which must be followed by the licensee or permittee at all times whereby the failure of the licensee or permittee to comply with the restrictions may result in the suspension or revocation of the license or permit.

*C.O.L. license* means a license for the consumption of alcoholic beverages in or upon a premises which does not possess a license for the sale of alcoholic beverages and where food, beverages or entertainment are sold or provided for compensation as provided in RSMo 311.480.

*Concert venue* means any establishment used for the presentation of live musical performances, pre-advertised to the public including pre-event tickets sales available through third party ticket vendors, and where total ticket sales exceed \$100,000.00 per year.

*Commissioner* means the commissioner of revenue of Kansas City, Missouri, or person authorized and designated by the commissioner.

*Condominium* means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

*Convention hotel or motel* means any hotel or motel containing not less than 100 transient guestrooms, having a meeting room or similar facility with a seating capacity of not less than 50 persons and having a restaurant on the premises.

*Customer* means any person not an employee who enters or remains upon a licensed premises with actual or implied permission of the licensee or a person who purchases or otherwise partakes of any merchandise, goods, entertainment or other services offered upon the premises.

*Dancer* means any person performing a semi-nude dance, or who performs a dance for any customers upon the premises of an establishment that allows semi-nude dancing.

*Director* unless otherwise described, means the director of neighborhood and community services, or a person designated by the director.

*Dwelling* means any place that is used regularly or irregularly as a place of repose, sleep, rest or any place containing a bed, cot, divan, couch or any other article of furniture on which an adult person may recline. However, this shall not include any premises used as a hotel, motel, or hotel room.

*Employee* means and includes an agent or servant, and shall be construed to mean every person working for or performing services on behalf of the licensee during actual or scheduled work hours.

*Grocery Store* means a retail business occupying a space that is at least 15,000 square feet, that primarily stocks a range of everyday items which includes but is not limited to groceries, snack foods, confectionery, toiletries, soft drinks, tobacco products, personal electronics, home essentials, and clothing, that derives at least 70% of its sales from products other than liquor.

*High density office building* means an office building used exclusively for the administrative functions of business firms, professional groups or societies, or any combination of those organizations, under the conditions of section 80-90 of the Code of Ordinances.

Intoxicating liquor or liquor means alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent by volume.

*Licensee* means the holder of any licenses issued under the provisions of this chapter.

*Live entertainment* means any activity or presentation provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose that utilizes amplified sound, including live music, a DJ, comedian, or variety show.

*Location* means the property parcel upon which a licensed premises is situated.

*Malt beverages* means beverages including beer and intoxicating malt liquor that are brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer. Flavor and other nonbeverage ingredients containing alcohol may be used in producing beer, but may contribute to no more than forty-nine percent of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than six percent by volume, no more than one and one-half percent of the volume of the beer may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol

*Managing officer* means the person(s) designated by the licensee who is in actual management and control of a business licensed under this chapter, and who would be eligible as an individual to receive a license for the sale of alcoholic beverages, and who is a qualified voter of the state.

*Microbrewery* means a business whose activity is the brewing and selling of beer, with an annual production of 10,000 barrels or less.

*Nonintoxicating beer* means any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than 0.5 percent by volume, and not exceeding 3.2 percent of alcohol by weight.

*Original license* means any license issued under this chapter on an application for a new license whether or not the proposed premises was previously licensed under this chapter but shall not mean a renewal license.

Original package means: (a) any package containing one or more standard bottles, cans, or pouches of malt beverages; (b) a package containing 50 milliliters (1.7 ounces) or more of spirituous liquor; or (c) a package containing 100 milliliters (3.4 ounces) or more of vinous liquor in the manufacturer's original container.

*Permittee* means the holder of an employee's permit, issued under the provisions of this chapter.

*Person* means an individual, partnership, club or association, firm, limited liability company or corporation, unless the context requires a contrary interpretation.

*Premises* means the bounds of the enclosure where alcoholic beverages are permitted to be sold, stored or consumed under the authority of this chapter.

*Restaurant-bar* means an establishment having a restaurant or similar facility on the premises which derives 50 percent or more of its annual gross sales from the sale of prepared meals and food made for immediate consumption. For the purposes of determining whether an establishment qualifies as a restaurant-bar under the provisions of this chapter and calculating the amount and percentage of annual gross sales from the sale of prepared meals and food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals and food.

*School* means any building which is regularly used as a public or private elementary school, middle school or high school.

*Semi-nude dance* means any live exhibition, performance or dance by a person or persons in a state of dress in which opaque clothing covers no more than the areola of the female breast, the genitals or pubic region and anus, as well as portions of the body covered by straps or strings supporting that clothing.

*Substantial quantities of food* means the amount of prepared meals and food wherefrom at least 50 percent of the gross income of an establishment has been derived during the three most recent calendar months preceding. For the purposes of determining whether substantial quantities of prepared meals and food constitute at least 50 percent of the gross income of an establishment under the provisions of this chapter, and calculating the amount and percentage of annual gross income from the sale of prepared meals or food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals or food.

*Tavern* means any licensed premises that sells liquor by the drink which derives the majority of its annual gross sales from alcoholic beverages.

#### **Sec. 10-62. Required hearings and review of director's actions.**

(a) If an application for an original license or permit, or the renewal or transfer of location of an existing license, or for change of ownership, or change in management or control of a business under this chapter is disapproved by the director, or if an eligible neighbor who filed a response pursuant to section 10-212 or church or school located within 300 feet of the proposed premises disputes the approval of a license or permit, then the applicant, eligible neighbor, or applicable church or school, as the case may be, may file with the board a written

request for a hearing before the board on the denial or decision regarding the location, the request shall be made within 10 days after notice of the director's final decision. A copy of the request shall also be served on the director.

(b) In the case of action by the director seeking to suspend or revoke a license or permit issued under this chapter, the director shall:

- (1) File with the board, a written complaint setting forth the reasons for suspension or revocation of the license or permit, and requesting a hearing before the board to consider the action.
- (2) Serve a copy of said request on the licensee or permittee personally or by leaving a copy at the licensed premises or by mailing a copy of the request to the licensee or permittee at their last known address.

(c) Upon the filing of a written complaint or request for a hearing before the board as provided in this chapter, made within the time specified in this article, the board shall, within 20 days after the receipt of the request, notify the director and all other parties of the date, time and place for the hearing. The date of the hearing shall not be less than 20 days from the date the request was filed.

(d) Hearing procedures shall include but not be limited to the following:

- (1) The applicant, licensee, permittee, eligible neighbor, or applicable church or school shall have full right to have counsel, to produce witnesses and to cross examine all witnesses who may appear. All proceedings in the hearings shall be taken down stenographically, or recorded mechanically or electronically, or by a combination thereof, and shall be transcribed whenever required by law. Subpoenas shall be issued by the director or board for any witness whose presence is desired at any hearing or proceeding before the board to suspend or revoke a license or permit, or to issue or refuse a license or permit or renewal thereof, and the subpoena may be served by any person designated by the director or board, or by any member of the city police department. The subpoenas shall be served and return thereon shall be made in the same manner as is provided by law in civil suits in the circuit court of this state.
- (2) Witnesses may also appear voluntarily at the hearings and testify. Before testifying in any hearing or proceeding before the board, all witnesses shall be sworn to tell the truth and nothing but the truth.
- (3) With respect to a hearing before the board in connection with the directors action on an application for an original license or permit or the renewal or transfer of location of an existing license, or application for change of ownership or change in management or control of the business under this chapter or a hearing before the board in connection with the directors action to seek suspension or revocation of a license or permit issued under this chapter, the board shall issue its decision

in writing within 30 days following the conclusion of the hearing unless the parties agree to an extension which shall not exceed an additional 30 days.

- (4) The decision of the board shall include findings of facts and conclusions of law, wherein the board may dismiss the complaint, or suspend or revoke a license or permit previously issued, place permanent or temporary conditions on the license, permit or licensee, or affirm or reverse the director's issuance or denial of an application for an original license, or renewal or transfer of an existing license or permit or remand the matter to the director for further administrative review or action. The board's decision shall be served upon all the parties in person or by registered or certified mail to the party's last known address. If the board is not able to serve the decision notice upon a party in person or if any notice sent by mail is returned by the U.S. Postal service, then the board shall cause the notice to be posted at the principal entrance of the business or facility, and the posting shall constitute valid service. No suspension, revocation, or denial shall become effective until 10 days after the decision has been issued by the board. The board may stay enforcement of its decision for a period of time not to exceed 30 days to allow for the filing of an appeal of the decision.

**Sec. 10-65. Judicial review of board decisions.**

Following the issuance of a decision by the board including but not limited to suspending or revoking a license or permit, placing permanent or temporary conditions on the license, permit or licensee, or approving or disapproving an application for an original license or permit or the renewal or transfer of location of an existing license, or application for change of ownership or change in management or control of the business under this chapter, the licensee, permittee, applicant, applicable church or school, eligible neighbor, or the director may seek judicial review in a manner provided by law. The method of judicial review of any decision of the board shall be as provided in RSMo chapter 536.

**Sec. 10-102. Eligibility and requirements for sales-by-drink license.**

(a) A full sales-by-drink license authorizes the licensee to sell all kinds of alcoholic beverages by the drink and to sell alcoholic beverages in the original package on the licensed premises. Each license shall be further classified into one of the sales-by-drink classifications set forth in this chapter.

(b) No sales-by-drink license authorized under sections 10-102, 10-103, 10-104, 10-105, 10-106, 10-107, 10-108 and 10-110 of this chapter shall be issued to any of the following businesses:

- (1) Drugstore which as used in this section is defined as a retail store centrally featuring a pharmacy that dispenses prescription medication and sells over-the-counter medications as well as other miscellaneous items which includes but is not limited to products such as candy, cosmetics, cleaning supplies, light refreshments, magazines and paperback books.

- (2) Cigar and tobacco store which as used in this section is defined as a retail store of tobacco products which primarily specializes in selling various forms of tobacco and tobacco accessory products which includes but is not limited to pipes, lighters, matches, pipe cleaners, and pipe tampers.
- (3) Convenience-grocery store which as used in this section is defined as any small retail business that primarily stocks a range of everyday items which includes but is not limited to groceries, snack foods, confectionery, toiletries, soft drinks, tobacco products, magazines and newspapers, where the licensed premises is less than 15,000 square feet.
- (4) Small liquor store which as used in this section is defined as a retail business that primarily sells pre-packaged alcoholic beverages where the licensed premises is less than 15,000 square feet.
- (5) A gasoline station or motor vehicle repair shop.

(c) A caterer with a full sales-by-drink license authorizes the caterer to sell all kinds of alcoholic beverages by the drink for consumption away from the licensed premises at other premises approved by the director. Each license shall be further classified into one of the sales-by-drink classifications set forth in this chapter.

(d) To the extent permitted by Missouri law, a manufacturer or microbrewery may be granted a sales-by-drink license for the licensed premises and a wine manufacturer may be granted a sales-by-drink license for a premises in close proximity to the winery, provided the licensee meets all other provisions of this Chapter. Any licensee who previously held a sales-by-drink specialty license and any manufacturer, microbrewery, or wine manufacturer who previously held a sales-by-drink license may renew their license as a normal sales-by-drink license provided that:

- (1) The licensee held an active sales-by-drink specialty license or sales-by-drink license as of November 1, 2020; and
- (2) The licensee meets all other of the standards for renewal as required by this chapter.

#### **Sec. 10-104. Sunday licenses.**

(a) A Sunday license authorizes the licensee to sell alcoholic beverages at retail on the licensed premises under the conditions and during the hours herein specified on Sunday in addition to the legal hours and days set out in section 10-333 except, if the licensee holds a valid license or permit pursuant to the provisions of section 10-106, then the licensee may be open for business in accordance with the provisions of the license or permit.

(b) Sunday license types and requirements.

- (1) Retail sales by drink Sunday license. A retail sales by drink Sunday license authorizes the licensee to sell the same kinds of alcoholic beverages by the drink as authorized by the license holder's retail sales by drink license for consumption on the licensed premises between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday.
- (2) Retail sales by package Sunday license. A retail sales by package Sunday license authorizes the licensee to sell the same kinds of alcoholic beverages as authorized by the license holder's retail sales by package license between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday.

**Sec. 10-105. General requirements for temporary and annual catering permits.**

(a) *Requirements.*

- (1) *Eligibility.* Only a Kansas City, Missouri liquor-by-the-drink licensee is eligible to receive a catering permit. A catering permit may be issued for the following types of events:
  - a. Any outdoor catered event is eligible to be permitted.
  - b. An indoor catered event is eligible to be permitted if the premise has a current city and state liquor license.
  - c. For any premises that does not have a current city or state liquor license, an indoor catered event is eligible to be permitted if:
    1. An application for a liquor license or catered event has not been denied or withdrawn from the location of the premises where the catered event is to be held, the director has no reason to believe that the proposed premises has or will cause a nuisance to or change in character of the immediate area surrounding the premises, and the director has no reason to believe that lewd and indecent conduct has or will occur on or within the immediate vicinity of the proposed premises. In evaluating whether the proposed premises will cause a nuisance, the director shall consider the factors identified in section 10-212.
    2. The event is private and:
      - a. Everyone in attendance is there by invitation only and a copy of the pre-arranged invitation/guest list, which lists each individual's name who was invited, is available on premises during the catered event, and;

- b. There is no entry fee, admission charge, door charge, ticket sales or donations of any kind taken to attend the catered event and food, beverages or entertainment are not being sold or provided for compensation, and;
  - c. The catered event is not advertised to the public at large in any way.
- (2) *Application.* An application and all required documentation must be filed with the director at least five weekdays prior to the date that the scheduled function, occasion, or event is to take place. Upon receipt of all required documentation, including an approved state catering license, the city may issue a catering permit. Failure to provide any of this information will prevent the establishment from obtaining a catering permit. It is mandatory that both a city permit and state license must be available for display upon request of any law enforcement officer and/or investigator designated by the director for any catered event.
- (3) *Contents of application.* A liquor-by-the-drink licensee shall submit the completed application to the director on a form provided by the director. Each component shall be considered material to the issuance of the license. The applicant shall provide:
  - a. The individual designated as the managing officer or the individual in active control of the original liquor license under this chapter shall submit the application for an annual or temporary catering permit. This individual must provide the name and residential address of the applicant. If the application is on behalf of a partnership, the names, and residential addresses of all partners or any person who has a financial interest in the partnership must be provided. If the application is on behalf of a corporation the name and address of the corporation, and names and residential address of individuals with more than ten percent interest in the corporation must be provided.
  - b. A description and address of the proposed liquor-by-the-drink licensed premises for which a license is sought or, in the case of a caterer, where food and alcohol will be stored or prepared for off-premises consumption to which the license will be attached.
  - c. Approval from the directors of city planning and development, fire, and health stating that the catered location site complies with respective codes.
  - d. The date, starting time and ending time of the function, occasion, or event.

- e. A detailed description of security measures for crowd control , including the number of security employees and the number of commissioned security officers to be present throughout the entire event.
- f. For outdoor events, the number of portable toilets available to all patrons, members, guests or customers.
- g. For outdoor events, a traffic control plan that has been approved by the city public works department and the city police department.
- h. A copy of the state catering license.
- i. If a public street will be blocked off for a function, occasion or event, a permit for a street closure that has been obtained from the public works department.
- j. Any additional information which the director may reasonably require for consideration of the issuance of a catering permit.
- k. A statement of tax clearance as outlined in section 10-187.
- l. A copy of an approval letter between the owner or manager of the property upon which the function, occasion or event is to take place and the sponsor of the function, occasion or event, stating the agreed upon date, starting and ending time, and the actual location of the function, occasion, or event.
- m. A copy of the agreement letter between the Kansas City, Missouri, liquor-by-the-drink licensee applying for the catering permit and the sponsor for the function, occasion, or event, stating the type of event being hosted.
- n. A diagram of the premises, which includes a diagram of the areas where the alcohol will be sold and consumed, including
  - i. The points of service from which alcoholic beverages will be sold or served;
  - ii. The location where security personnel will be stationed during the event to include all entrances and exits while the function, occasion or event is operating;
  - iii. If the event is to be held outside, a description of the barriers used to contain the event to prevent people from removing alcoholic beverages from the premises; and

- iv. If the event is to be held outside, the location of any outdoor seating, stages, portable toilets and traffic barriers.
  - o. The director may require the submission of additional items to ensure all requirements have been met.
- (4) *Dance hall permit.* If there will be dancing at the event, the applicant must obtain a dance hall permit. The dance hall permit fee is \$15.00 a day.
- (b) *Limitations.*
- (1) An applicant who is granted a catering permit shall staff the function, occasion or event with at least one employee from the liquor-by-the-drink licensed premises for that specific permitted event.
  - (2) Anyone directly participating in the retail sale, delivery or dispensation of alcoholic beverages at a catered function, occasion or event must have an employee liquor permit as described in section 10-5 of this chapter.
  - (3) A catering permit shall only authorize the sale of the same type of alcoholic beverages during the same operational hours as permitted by the original license held by the applicant.
  - (4) Alcohol served at outdoor events must not be served in glass containers.
  - (5) No catering permits will be issued for any non-licensed premise when the director determines that the intent is to operate as a venue holding a permanent liquor license.
  - (6) A catering permit for any function, occasion or event held outdoors must have a sufficient number of restroom facilities or portable toilets for all persons expected to attend the event as determined by the director.
  - (7) Additional limitations may be required by the director.
- (c) *Specific requirements for a temporary catering permit.*
- (1) Temporary catering permits shall be effective for a period not to exceed 120 consecutive hours.
  - (2) A maximum of four temporary catering permits may be issued during the sale or transfer of an existing license.
  - (3) The temporary catering permit fee is \$15.00 a day.
- (d) *Specific requirements for an annual catering permit.*

- (1) An annual catering permit allows the licensee to hold an unlimited number of catering events annually.
- (2) Applicants for annual catering permits must submit a catering event notification form as supplied by the director a minimum of five business days in advance of each scheduled function, occasion or event.
- (3) The annual catering permit fee is \$1,500.00. The application fee is \$500.00. The fees are non-refundable.

(e) *Violations.* Any violation of the provisions set forth in chapter 10 of the Code of Ordinances of the city by a person holding a catering permit, or their employee, agent or servant, while operating under a catering permit which occurs on the premises being catered, shall cause the permittee and their employee, agent, or servant to be subject to administrative action by the director and prosecution as provided by chapter 10 as though the violation had occurred on the permittee's original licensed premises.

(f) *Effect of denial of permit.* If the application is denied, an application to protest the denial may be submitted to the director as referred to in chapter 10. If an application for a catered event is denied because the director determines that the proposed premises has or likely will cause a nuisance to or change in character of the immediate area surrounding the premises, the applicant will have the option to request neighbor notification as outlined in section 10-214 of this chapter. If less than 50% of the eligible neighbors who file a written response with the director opposed the granting of a license at the premises, the director shall withdraw the determination that the proposed premises has or likely will cause a nuisance to change in the character of the immediate area surrounding the premises.

**Sec. 10-106. Extended hours permits.**

(a) *Convention trade area 3:00 a.m. closing permit—Eligibility.*

- (1) A convention trade area 3:00 a.m. closing permit, authorized by RSMo § 311.174, authorizes the licensee who holds a section 10-102, 10-103, 10-134 or 10-135 sales-by-drink license to remain open between 1:30 am. and 3:00 a.m., if they meet the location requirement outlined in section 10-212, and:
  - a. The applicant's business is located within the convention trade area. Pursuant to RSMo § 311.174, the city's convention trade area is hereby designated as all that territory within the corporate limits of the city; and
  - b. The director determines that the extended hours permit is not likely to interfere with or be detrimental to the rights or interests of the neighboring community, pursuant to section 10-212; and either
  - c. The applicant's business is a convention hotel or motel, defined as any structure, or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being so provided, and kept, used, maintained, advertised or held

out to the public as a place where sleeping accommodations are sought for pay or compensation by transient guests or permanent guests, and having more than 100 bedrooms furnished for the accommodation of such guests, provided that a hotel or motel with less than 100 bedrooms furnished for accommodation that has a current convention trade area 3:00 a.m. closing permit which is located more than 1.5 drivable miles from a convention hotel or motel will be allowed to maintain its convention trade area 3:00 a.m. closing permit as long as all other requirements of this chapter have been met; or

d. The applicant's annual gross sales at said business for the year immediately preceding the application for a 3:00 a.m. closing permit equals \$125,000.00 or more; provided, however, that the director may waive the foregoing gross sales requirement for a business located in the downtown economic entertainment district if requested by the applicant and the request is supported by documentation that the business should produce annual gross sales equal to \$125,000.00 or more.

(2) Package sales. No retail licensee holding a convention trade area 3:00 a.m. closing permit pursuant to this section, nor employee of the licensee, shall sell, give away, otherwise dispose of or allow the removal from the licensed premises any alcoholic beverages in the original package or suffer the same to be done on or about the licensed premises between the hours of 1:30 a.m. and 6:00 a.m.

(3) Notwithstanding the limitations contained in this section, the director may waive the gross sales requirement for an establishment that held a convention trade area 3:00 a.m. closing permit in the year immediately prior, if the applicant provides documentation that the licensed establishment was closed or had reduced sales in the year immediately prior because of an event or occurrence outside of the control of the applicant that resulted in a state of emergency lasting more than two weeks, as declared by the Mayor or governor of Missouri.

(b) Temporary 3:00 a.m. closing permit—Eligibility.

(1) A temporary 3:00 a.m. closing permit, authorized by RSMo § 311.088, authorizes the licensee who holds a section 10-102, 10-103, 10-134 or 10-135 sales-by-drink license to remain open between 1:30 a.m. and 3:00 a.m. within one 24-hour period if they meet the location requirements as outlined in section 10-212.

(2) Package sales. No retail licensee holding a temporary 3:00 a.m. closing permit pursuant to this section, nor employee of the licensee, shall sell, give away, otherwise dispose of or allow the removal from the licensed premises any alcoholic beverages in the original package or suffer the same to be done on or about the licensed premises between the hours of 1:30 a.m. and 6:00 a.m.

(c) Nonprofit organization 6:00 a.m. closing permit—Eligibility.

(1) A nonprofit organization 6:00 a.m. closing permit authorized by RSMo § 311.174 authorizes a licensee who holds a section 10-102, 10-103, 10-134 or 10-135 sales-

by-drink to remain open between 1:30 a.m. and 6:00 a.m., if they meet the location requirements as outlined in section 10-212., and:

- a. The applicant is a nonprofit organization exempt from federal income taxes under section 501(C)(7) of the Internal Revenue Code of 1986 as amended; and
- b. The applicant is located in a building designated as a National Historic Landmark by the United States Department of Interior; and
- c. The applicant's business is located within the convention trade area. Pursuant to RSMo § 311.174, the city's convention trade area is hereby designated as all that territory within the corporate limits of the city.

(d) For applications for 3:00 a.m. closing permits the eligible neighbors under sections 10-212 and 10-214 shall include the owner of any premises wholly within or intersected by a radius of 1,500 feet from the proposed premises.

**Sec. 10-107. Fourth of July celebration temporary malt beverage and light wine sales-by-drink permit.**

Pursuant to RSMo 311.218, other provisions of this chapter to the contrary notwithstanding, a permit for the sale of light wine and malt beverages for consumption on the premises where sold may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of light wine and malt beverage at any picnic, bazaar, fair, festival or similar gathering or event held to commemorate the annual anniversary of the signing of the Declaration of Independence of the United States. The permit shall be issued only during the period from June 15 to July 15 annually and only for the days named therein, and it shall not authorize the sale of light wine and malt beverage except between the hours of 6:00 a.m. and 1:30 a.m. and for not more than seven days by any organization. The permit may be issued to cover more than one place of sale within the general confines of the place where the gathering or event is held. Any wholesaler or distributor may provide customary storage, cooling or dispensing equipment for use by the holder of the permit at the gathering or event.

**Sec. 10-110. C.O.L. consumption of alcoholic beverages license.**

A C.O.L. license authorizes the licensee to allow the consumption of intoxicating liquor on the licensed premises during the hours intoxicating liquor can be sold by section 10-102 full sales-by-drink licensees. A C.O.L. license shall not be required for a pedal tavern, properly licensed according to chapter 70 and 76 of the code to allow consumption of intoxicating liquor by patrons while on a pedal tavern.

**Sec. 10-111. Eligibility for package sales license.**

(a) No license authorizing the licensee to sell alcoholic beverages in the original package under sections 10-112 and 10-113 of this chapter, authorized by RSMo 311.200, shall be issued except to an applicant who sells alcoholic beverages in the original package in connection with the operation of one or more of the following businesses exclusively:

- (1) Drugstore which as used in this section is defined as a [retail](#) store centrally featuring a [pharmacy](#) that dispenses prescription medication and sells over-the-counter medications as well as other miscellaneous items which includes but is not limited to products such as candy, cosmetics, cleaning supplies, light refreshments, magazines and [paperback](#) books.
- (2) Grocery store as defined in this chapter.
- (3) Convenience-grocery store which as used in this section is defined as a small retail business that primarily stocks a range of everyday items which includes but is not limited to groceries, [snack foods](#), [confectionery](#), [toiletries](#), [soft drinks](#), tobacco products, magazines and newspapers.
- (4) General merchandising store which as used in this section is defined as a retail business that sells a number of lines of merchandise which may include but is not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, toys, automotive products and food.
- (5) Confectionery store which as used in this section is defined as a retail business that primarily sells bakers and sugar confections which includes but is not limited to sweets, candies, candied nuts, chocolates, chewing gum, pastillage, sweet pastries, cakes and other baked goods.
- (6) Delicatessen store which as used in this section is defined as a retail business that sells foods already prepared or requiring little preparation for serving which includes but is not limited to cooked meats, bread, cheese and salads.
- (7) Liquor store which as used in this section is defined as a retail business that primarily sells pre-packaged alcoholic beverages.

(b) Package sales licenses shall not be issued to any applicant who operates a gasoline service station, motor vehicle repair garage, motor-propelled vehicle racetrack or any place required to be licensed under the provisions of chapter 12 unless the applicant conforms to each of the following minimum requirements:

- (1) The business shall contain no less than 1,200 square feet of sales display area, exclusive of storage rooms and walk-in refrigeration coolers;
- (2) The business shall keep and maintain a stock of no less than 750 separate and distinguishable products for sale, exclusive of alcoholic beverages, tobacco products, automotive parts and supplies, and gasoline; and

- (3) The business shall keep and maintain a stock of goods having a value, according to invoices, of at least \$7,500.00, exclusive of alcoholic beverages, tobacco products, automotive parts and supplies, and gasoline.

(c) Other than those licensees or applicants for a package sales license pursuant to subsection (b) of this section, every licensee and applicant shall keep and maintain in its store a stock of goods having a value, according to invoices, of at least \$1,000.00, exclusive of fixtures and alcoholic beverages, to be eligible for a package sales license.

**Sec. 10-113. Malt beverage original package sales license.**

A malt beverage original package sales license authorizes the licensee to sell at retail malt beverages in the original package on the licensed premises. Any person licensed pursuant to this section may also sell malt beverage at retail between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday.

**Sec. 10-115. Wholesaler's license for sale of alcoholic beverages of all kinds.**

A wholesaler's license for sale of alcoholic beverages of all kinds authorizes the licensee to sell alcoholic beverages of all kinds to a person duly licensed to sell alcoholic beverages. A wholesaler's license is required for all wholesalers providing alcoholic beverages to person duly licensed to sell alcoholic beverages in the City, even if the wholesaler is located outside city limits.

**Sec. 10-116. Wholesaler's license for sale of alcoholic beverages not in excess of 22 percent of alcohol by weight.**

A wholesaler's license for sale of alcoholic beverages not in excess of 22 percent of alcohol by weight authorizes the licensee to sell alcoholic beverages not in excess of 22 percent of alcohol by weight to a person duly licensed to sell alcoholic beverages. A wholesaler's license is required for all wholesalers providing alcoholic beverages to person duly licensed to sell alcoholic beverages in the City, even if the wholesaler is located outside city limits.

**Sec. 10-117. Wholesaler's license for sale of malt beverages.**

A wholesaler's license for sale of malt beverages authorizes the licensee to sell malt beverages to a person duly licensed to sell alcoholic beverages. A wholesaler's license is required for all wholesalers providing malt beverages to person duly licensed to sell malt beverages in the City, even if the wholesaler is located outside city limits.

**Sec. 10-118 – 10-120. Reserved.**

**Sec. 10-121. Manufacturer's license for wine or brandy.**

(a) A license to manufacturer wine or brandy authorizes a person to manufacture, in quantities not to exceed five hundred thousand gallons, not in excess of eighteen percent of alcohol by weight for wine, or not in excess of thirty-four percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits.

(b) A manufacturer licensed under this section may use in any calendar year such wine and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent of the manufacturer's wine entered into fermentation in the prior calendar year.

(c) A manufacturer licensed under this section may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and from 6:00 a.m. on Sunday to 1:30 a.m. on Monday.

**Sec. 10-122. Manufacturer's license for manufacture of alcoholic beverages of all kinds.**

A manufacturer's license for manufacture of alcoholic beverages of all kinds authorizes the licensee to manufacture, distill or blend alcoholic beverages of all kinds. A distiller or wine manufacturer may apply for and the director may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery or wine manufacturing premise and may remain open between the hours of 6:00 a.m. and 1:30 a.m. Monday through Saturday and between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday.

**Sec. 10-123. Manufacturer's license for manufacture of alcoholic beverages containing alcohol not in excess of 22 percent by weight.**

A manufacturer's license for manufacture of alcoholic beverages containing alcohol not in excess of 22 percent by weight authorizes the licensee to manufacture, distill or blend alcoholic beverages containing alcohol not in excess of 22 percent by weight. A distiller or wine manufacturer may apply for and the director may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery or wine manufacturing premise and may remain open between the hours of 6:00 a.m. and 1:30 a.m. Monday through Saturday and between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday.

**Sec. 10-127. License and permit fees.**

The following fees shall be paid to the city treasurer before the respective license or permit prescribed in this section is issued:

Each full sales-by-drink license .....	\$450.00 per year
Each malt beverage and light wine sales-by-drink license .....	75.00 per year
Each intoxicating liquor sales-by-drink license for consumption on the premises where sold, issued to any church, school, civic, service, fraternity, veteran, political or charitable club or organization for a picnic, bazaar, fair or similar gathering .....	15.00 per license
Retail sales-by-drink Sunday license .....	300.00 per year
Retail sales by package Sunday license .....	300.00 per year
Each catering permit .....	15.00 for each calendar day, or fraction thereof, for which the permit is issued
Each convention trade area 3:00 a.m. closing permit .....	450.00 per year
Each temporary 3:00 a.m. closing permit .....	75.00 per permit
Each nonprofit organization 6:00 a.m. closing permit .....	450.00 per year
Each Fourth of July celebration temporary malt beverage and light wine sales-by drink permit .....	100.00
Each license for sales-by-drink in common eating and drinking area .....	450.00 per year
Each C.O.L. license where either food, beverages or entertainment are provided for compensation of any kind .....	90.00 per year
Each full original package sales license .....	150.00 per year
Each malt beverage original package sales license .....	75.00 per year
Each original package tasting license .....	37.50 per year
Each wholesaler's license for sale of alcoholic beverages of all kinds.....	750.00 per year
Each wholesaler's license for sale of alcoholic beverages not in excess of 22 percent of alcohol by weight.....	300.00 per year.
Each wholesaler's license for sale of malt beverages containing not in excess of 5 percent of alcohol by weight.....	150.00 per year
Wholesaler's license for wholesalers located outside the city limits	0 per year
Each manufacturer's license to manufacture wine or brandy shall cost seven dollars and fifty cents for each five hundred gallons or fraction thereof of wine or brandy produced up to a maximum license fee of four hundred fifty dollars .....	Up to \$450.00 per year
Each manufacturer's license to manufacture, distill or blend alcoholic beverages of all kinds .....	675.00 per year
Each manufacturer's license to manufacture alcoholic beverages containing alcohol not in excess of 22 percent by weight .....	300.00 per year
Each manufacturer's license to manufacture malt beverages containing not in excess of 5 percent of alcohol by weight .....	375.00 per year
Each microbrewery license shall cost seven dollars and fifty cents for each 100 barrels manufactured, not to exceed three hundred seventy five dollars .....	Up to 375.00 per year
Out of state manufacturer permit not to exceed 72 hours .....	37.50

**Sec. 10-130. Sidewalk café, parklet, street café, outdoor space or parking lot alcohol license expansion.**

(a) Any sales-by-drink licensee may apply for an expansion of premises to include a sidewalk café, parklet, street café, outdoor open space or parking lot dining area.

(b) An expansion of premises to a sidewalk café, a parklet, a street café, outdoor open space or parking lot dining expansion shall not permit a licensee, employees or agents thereof, or any other person to remove any alcoholic beverage provided for consumption on the premises from the expanded licensed premises.

(c) An expansion of premises to a sidewalk café, parklet, street café, shall not be granted until the licensee has obtained the proper permit d) An expansion of premises to open outdoor space or parking lot dining area shall not be granted unless the licensee is in compliance with section 88-420-18.

**Sec. 10-132. License for Arts & Cultural District Zone.**

Unless otherwise authorized and permitted or licensed under Chapter 10, it shall be unlawful for any person or entity that does not hold a sales-by-drink license issued under this chapter to sell or barter any beer or light wine for consumption on premises within an Arts & Cultural District Zone (as such term is defined in Section 10-131) except as provided in this Section. Notwithstanding the foregoing, a Missouri not-for-profit corporation (a “Sponsor”) incorporated or qualified, and in good standing, with the Missouri Secretary of State may apply to allow the Sponsor or by the terms of the license, allow art studios, galleries, and/or other venues, within an Arts & Cultural District Subzone, to serve beer and light wine to guest subject to the following conditions:

(a) The Sponsor submits an application for an Arts and Cultural District Zone not less than 30 days prior to the date the first such event is to be held to the director on forms provided by the director. Each application shall include:

- (1) The date(s) for which the license is sought.
- (2) The names and addresses of all art galleries, studios and/or venues which will be serving beer and light wine under the sponsor's license along with a diagram of the area where the event is to take place specifying the points of service of light wine or beer.
- (3) A description of the security measures to be taken during the event at all art galleries, studios, and/or venues which will be serving alcohol to include the number of employees/security staff that will be onsite at each location throughout the entire event.
- (4) The name, address and affiliation with the Sponsor of the person executing the application on behalf of the Sponsor (the “Representative”). Two photographs of

the representative, a statement of whether the representative is a convicted felon and written authorization to allow the director to conduct a background check for the representative.

- (5) Approval from the directors of city planning and development, fire, health and neighborhoods stating that the premises within which beer and light wine are to be served are in compliance with the respective codes and the zoning ordinance of the city.
- (6) A certificate of good standing for the Sponsor issues by the Missouri Secretary of State dated within sixty (60) days prior to the application date.

The truth of all statements and answers made in the application shall be sworn to, to the knowledge and belief of the Representative, and the Representative's execution of the application must be witnessed and notarized by a notary public.

(b) Each license upon issuance shall be effective for a prescribed period not to exceed one year. The license shall be effective between the hours of 5:00 p.m. and 12:00 a.m. on the day(s) of the Event covered by the license.

(c) A sponsor may apply for a separate license to hold one additional Event as defined in Section 10-131(b)(3) not to exceed more than twelve (12) activities per calendar year.

(d) For each Event licensed pursuant to the provisions of this section, the Sponsor shall pay the sum of nine hundred dollars (\$900.00) per Event.

(e) Before the issuance of a license under the provisions of this section, the Sponsor shall furnish satisfactory proof to the director that a picnic permit has been issued by the State of Missouri under the provisions of RSMo Chapters 311 and 312. If the privileges authorized under any license or permit issued by the state division of liquor control to a licensee holding a license issued pursuant to this section are terminated, all the privileges authorized under the license issued pursuant to this section shall also immediately terminate.

(f) For licenses authorizing the service of beer and light wine on public property, all beer and light wine served must be served in distinctive plastic cup containers. No glass or bottles are permitted to be used for the service or consumption of beer and/or light wine under a license issued pursuant to this section.

(g) Any violation of the provisions set forth in Sections 10-40 and 10-65 of the ordinances of the City of Kansas City, Missouri, by a person holding a license issued pursuant to this Section or its employees, agents or servants, or any art gallery, studio or venue owner, while operating under the license issued pursuant to this Section that occurs on a premises defined by the submitted diagram, shall cause the license holder and such of its employees, agents or servants and the art gallery, studio or venue owner to be subject to administrative action by the director and prosecution as provided under such Section 10-65.

(h) All restrictions made pursuant to this Section shall be binding on the Sponsor, and a recital shall be made in the application for the license issued pursuant to this section to the effect that the Representative has authority to bind the Sponsor with regard to all restrictions made and provided by the director respecting the event as described in the application.

(i) A license may only be issued to the Sponsor or their designee.

(j) In order to promote and encourage diverse activity within the Arts & Cultural District Subzones, multiple licenses, which cover the same geographic area and time within an Arts & Cultural District Subzone, may be issued by the director.

(k) This ordinance does not authorize the service of beer or light wine on any property for which a license issued under this Chapter 10 is currently in effect.

(l) This ordinance does not authorize and for all licenses issued under this Section does hereby specifically prohibit the service and consumption of beer and light wine, on any property zoned CX or otherwise engaged in adult business as defined in Chapter 80.

(m) The application underlying a license issued pursuant to this section may be updated from time to time to reflect changes to the prescribed area and/or the participating art galleries, studios and/or venues under the license, or the locations where beer and light wine are to be served under the license. Any such changes shall be delivered to the director at least five (5) days prior to the event at which such change will take place.

**Sec. 10-133. Arts and cultural district zone employee and volunteer permits.**

For licenses authorizing the serving of beer and light wine, it shall be unlawful for any person under the age of 21 to directly participate in the retail sale, delivery or dispensation of beer and light wine unless they hold a valid employee liquor permit, as described in section 10-5 and pursuant to the requirements of 10-339 and 10-373 of this chapter. Persons 18 through 20 years of age who do not hold a valid employee liquor permit described in 10-5 of this chapter may work on the premises if they do not directly participate in the retail sale, delivery or dispensation of beer and light wine in a manner as described in section 10-5 of this chapter.

**Sec. 10-134. Downtown economic entertainment district.**

(a) Purpose. This section permits the director to issue an annual liquor license for the sale and consumption of alcoholic beverages by the drink for retail from one or more portable bars within the promotional association sub-zones of the downtown economic entertainment district until 3:00 a.m. on Monday through Saturday and from 6:00 a.m. on Sunday to 1:30 a.m. on Monday. to a person acting on behalf of or designated by a promotional association, who possesses the qualifications required by this chapter.

(b) Definitions.

- (1) Downtown economic entertainment district means the area located in the City's "central business district," which is the historic core locally known as the City's downtown area, that contains a combination of entertainment venues, bars, nightclubs, and restaurants, and that is designated as a redevelopment area by the governing body of the city under the state downtown and rural economic stimulus act.
  - (2) Central business district for this chapter means the area bounded by the Missouri River on the north, the Linwood Boulevard on the south, Cleveland on the east and Broadway, along the Heart of America Bridge to the Missouri River on the west.
  - (3) Common area means any area designated as a common area in a development plan for the downtown economic entertainment district approved by the governing body of the city, any area of a public right-of-way that is adjacent to or within the downtown economic entertainment district when it is closed to vehicular traffic and any other area identified in the development plan where a physical barrier precludes motor vehicle traffic and limits pedestrian accessibility.
  - (4) Portable bar means any bar, table kiosk, cart, or stand that is not a permanent fixture and can be moved from place to place.
  - (5) Promotional association means an association incorporated in the state which is organized or authorized by one or more property owners located within the downtown economic entertainment district who own or otherwise control not less than 100,000 square feet of premises designed, constructed, and available for lease for bars, nightclubs, restaurants and other entertainment venues for the purpose of organizing and promoting activities within the downtown economic entertainment district.
    - a. For purposes of determining ownership or control as set forth in this subdivision, the square footage of premises used for residential, office, or retail uses, (other than bars, night clubs, restaurants, and other entertainment venues), parking facilities and hotels within the downtown economic entertainment district shall not be used in the calculation of square footage.
- (c) Designated redevelopment areas.
- (1) The city's central business district area is hereby designated as the downtown economic entertainment district.
  - (2) The following areas are each designated as promotional association sub-zones:

- a. The Downtown Power and Light sub-zone bounded by the Missouri River on the north, by I-70 to I-35 at Holmes to I-670 on the south, Troost Avenue on the east and Broadway on the west.
- b. The Performing Arts sub-zone bounded by 9th Street on the north, 18th Street on the south, Broadway on the west, and Troost on the east.
- c. The Crossroads sub-zone bounded by I-70 to I-35 at Holmes to I-670 on the north, Troost Avenue on the east, the KC Terminal Railway tracks on the south, and Broadway on the west.
- d. The 18th and Vine sub-zone bounded by Truman Road on the north, Woodland on the east, 19th Street on the south, and Paseo Boulevard on the west.
- e. Liberty Union Crown sub-zone bounded by 27th Street on the south, 20th Street on north, Cherry on the east and Broadway on the west.
- f. Historical Union Hill subzone bounded by Linwood on the south, 27th Street on the north, Cherry Avenue on the east and Broadway on the west.

Additional areas may be designated as common area sub-zones as determined by the Mayor and City Council.

**Section 10-135. Promotional association entertainment district special license.**

(a) A promotional association entertainment district special license authorizes a promotional association to sell alcoholic beverages by the drink for consumption in the promotional association sub-zone common areas located within the City’s “central business district,” which is the historic core locally known as the City’s downtown area or the downtown economic entertainment district.

(b) Applicants for a promotional association entertainment district special license are exempt from requirements of Section 10-211, 10-212, and 10-214.

(c) Notwithstanding any other provision of this chapter to the contrary, any person acting on behalf of or designated by the a promotional association who possesses the qualifications of this chapter, or who now or hereafter meeting the requirements of and complies with the provisions of this chapter, may apply to the Director for, and the Director may issue, a license to sell intoxicating liquor, by the drink at retail for consumption, dispensed from one or more portable bars within the promotional association sub-zone of the downtown economic entertainment district until 3:00 a.m. on Monday through Saturday and from 6:00 a.m. on Sunday and 1:30 a.m. on Monday. The times for selling intoxicating liquor as fixed in section 10-333 and all other laws and regulations of the city relating to the sale of intoxicating liquor by the drink shall apply to each promotional association sub-zone common area licensed under this

subsection in the same manner as they apply to establishments licensed under section 10-102. The applicant shall apply for the license on an application approved by the director.

(d) An applicant granted a promotional association entertainment district special license under this section shall pay a license fee of four hundred and fifty dollars (\$450.00) per year and a one-time application cost of two hundred and fifty dollars (\$250.00).

(e) **Each license upon issuance shall be effective for a prescribed period not to exceed one year.** The license shall be effective between the hours of 6:00 a.m. on Sunday to 1:30 a.m. on Monday. until 3:00 a.m. Monday through Saturday.

(f) Notwithstanding any other provision of this chapter to the contrary, on such days and such times designated by the promotional association, with notice to the Director, the promotional association may allow **persons** to leave licensed establishments located within the promotional association sub-zone boundary of the downtown economic entertainment district with an alcoholic beverage and enter upon and consume the alcoholic beverage within other licensed establishments and common areas located in portions of that promotional association designated boundary.

(g) No person shall take any alcoholic beverages outside the boundaries of the downtown economic entertainment district or portions of the downtown economic entertainment district as designated by the promotional association and approved by the Director.

(h) At times when a person is allowed to consume alcoholic beverages dispensed from portable bars and in the common areas of all or any portion of the downtown economic entertainment district designated by each promotional association, the promotional association shall ensure that minors can be easily distinguished from persons of legal age buying alcoholic beverages.

(i) All alcoholic beverages served for consumption in the common areas of promotional association sub-zones of the downtown economic entertainment district shall be served in a plastic container which shall bear the name or logo or other identifying data of the serving establishment. No glass bottles or glass containers are permitted to be used for the service or consumption of alcoholic beverages in the common areas of the entertainment district.

(j) Any violation of chapter 10 that occur within the promotional association sub-zone of the downtown economic entertainment district, during the days, times and locations designated by the promotional association is solely the responsibility of the promotional association designated person, who is in active control of the license.

(k) Promotional association shall furnish satisfactory proof to the Director that the association is incorporated in the State of Missouri.

(l) Before the issuance of a license under the provisions of this section, the promotional association shall furnish to the Director a State of Missouri entertainment district special license.

(m) The promotional association shall obtain all applicable permits and licenses required by City ordinance.

(n) Before a license or permit is issued under the provisions of this chapter, the applicant shall furnish to the Director upon request, approval from the director of city planning and development, fire, health, public works and neighborhoods stating that with respect to the application the applicant is in compliance with the respective codes and the zoning ordinance of the City.

**Section 10-137. Reserved.**

**Sec. 10-138. Non-profit organization temporary permit for sales by drink.**

(a) Notwithstanding any other provision of this chapter, a permit for the sale of intoxicating liquor for consumption on premises where sold may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, festival or similar gathering. The permit shall be issued only for the calendar days named therein and shall not authorize the sale of intoxicating liquor for more than twelve days in a calendar year by any such club or organization.

- (1) The applicant shall complete a form provided by the director no later than ten week days before the special non-profit event will take place. The application shall include:
  - a. The date and description of the special non-profit event.
  - b. The name and address of the applicant.
  - c. The location of the non-profit event.
  - d. The name and date of all special non-profit events previously conducted by the applicant during the current calendar year.
- (2) The applicant shall pay a daily fee of \$15.00 for each day on which the event is to be conducted.
- (3) Any person who directly participates in the retail sale, delivery or dispensation of alcoholic beverages during a permitted non-profit event, as described in this section, shall not be required to hold a valid employee liquor permit.
- (4) If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 6:00 a.m.
- (5) The non-profit organization shall collect and provide to the city sales taxes due the city at the rate so designated by state and city ordinance at the time of the event.

- (6) Wholesalers or distributors may provide customary storage, cooling or dispensing equipment for use by the permit holder during the days and hours authorized for the event.
- (7) During non-profit events all persons directly participating in the retail sale, delivery or dispensation of alcoholic beverages, as defined in Section 10-5 of this chapter must be 21 years of age.

**Sec. 10-161. Application fee.**

An application fee of \$250.00 shall accompany each application for an original license issued under this chapter. An application fee of \$50.00 shall accompany each application for a Sunday license issued under this chapter. An application fee of \$150.00 shall accompany each application for a 3:00 a.m. closing permit issued under this chapter. An application fee of \$150.00 shall accompany each application for an expansion of premise issued under this chapter, except for expansion to a sidewalk café, parklet, street café, open outdoor space or parking lot dining areas. The application fee is to cover the various costs incurred by the city in investigating and processing the applications. The application fee is not refundable.

**Sec. 10-162. Forms and process.**

(a) *Contents.* Any person desiring to obtain a license or permit under the terms of this chapter shall make application therefor to the director, in writing. Each question in the application blank shall be considered material to the issuance of the license, and each question in the application shall be answered in full by the applicant. The applicant shall provide:

- (1) The name and residential address of the applicant, and, if the application is on behalf of a partnership, the names and residential addresses of all partners or any person who has a financial interest in the partnership. If the application is on behalf of a corporation, the date of incorporation, the state in which incorporated, the amount of paid-in capital, the amount of authorized capital, the names and residential addresses of the officers and directors, the name and address of the registered agent for the corporation and the names and addresses of all stockholders who hold 10 percent or more of the capital stock shall be provided. If the application is on behalf of a limited liability company, the date of organization, the state in which organized, a copy of the operating agreement required by the state to qualify as a limited liability company, the amount of paid-in capital, the amount of authorized capital, the names and residential addresses of all the members and the name and address of the registered agent for the company shall be provided.
- (2) The place of birth of the applicant, and, if the applicant is a naturalized citizen, the date and place of naturalization.
- (3) The names and business addresses of the applicant's employers for a period of five years prior to the application.

- (4) A statement of whether or not the applicant has been convicted of a felony.
- (5) A description and address of the proposed premises for which a license is sought.
- (6) A statement of whether or not the proposed premises are within 300 feet of a school or church.
- (7) The class of the license for which application is made.
- (8) A statement of whether or not any distiller, wholesaler, winemaker, brewer, or supplier of coin-operated, commercial, manual or mechanical amusement devices, or the employees, officers or agents thereof, has any financial interest in the retail business of the applicant for the sale of alcoholic beverages, or C.O.L., and whether or not the applicant, either directly or indirectly, will borrow or accept from any person equipment, money, credit or property of any kind, except ordinary commercial credit for liquor sold.
- (9) A complete description of the plans, specifications and fixtures in the applicant's proposed place of business, if the application is for a retail license; provided, however, that this shall apply only when application is for a new location or a change in the plans for specifications within a previously established location.
- (10) A statement that the applicant will not violate any of the ordinances of the city, the laws of the state or the laws of the United States in the conduct of the business.
- (11) A comprehensive and informative statement, as the director may deem necessary, to disclose the true ownership and management of the business.
- (12) A statement from the commissioner of revenue that the applicant has paid all earnings and profits, convention and tourism and occupational license taxes due the city, including all penalties and interest, or does not owe any earnings and profits, convention and tourism and occupational license taxes to the city.
- (13) An approval from the directors of city planning and development, fire, and health stating that with respect to the application the applicant is in compliance with the respective codes.
- (14) Two coordinates expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premises for applications for sales-by-drink, C.O.L. or sales-by-package alcoholic beverage licenses.

- (15) An affidavit disclosing the name and residential address of any person(s) who may take part in the management and control of the business, whether directly or indirectly.
- (16) Any additional information which the director may reasonably require to be fully informed for consideration of the issuance of a license or permit.
- (17) A statement of whether live entertainment shall occur on the premises, and, if so, the type of live entertainment and the frequency of that entertainment.

(b) *Fingerprints and photographs.* Every applicant for a license under this chapter and every person designated by an applicant as a managing officer for a business licensed under this chapter may be fingerprinted by the director's agents or the city police department and shall furnish to the director two recent photographs, passport size, together with the application. If the applicant is a partnership, each partner that is an individual shall furnish a photograph and may be fingerprinted, as directed in this subsection. If the applicant is a limited liability company, each member that is an individual shall furnish a photograph and may be fingerprinted, as directed in this subsection. If the applicant is a corporation, the director, in their discretion, may make similar requirements of the officers, directors and shareholders holding more than a ten percent interest in the corporation.

(c) *Execution by applicant.* Application for a license under this chapter shall be made by the individual who is to be, in fact, actively engaged in the actual control and management of the particular beverage or C.O.L. establishment for which the license is sought.

(d) *Additional information for caterer's permit.* Applications for caterer's permits shall be filed with the director at least five calendar days prior to the scheduled function and the following shall accompany the application:

- (1) Description of location, with specific defined areas set forth.
- (2) Copies of contracts between the applicant and sponsor of the function, occasion or event and the contract between the applicant and the person controlling the premises upon which the function, occasion or event is to take place.
- (3) Any other information pertinent to the application.

(e) *Priorities for issuance to new applicants.* Priority shall be given to new applicants for licenses under this chapter on the basis of the time the application is made. Any application which is incomplete for a period of 90 days after the date of filing with the director may be disapproved by the director. If an application is complete in all respects except for approval from the directors of the city planning and development, , fire, health and neighborhoods departments, then the director may issue a letter notifying the applicant that the issuance of the license or permit will be approved contingent on providing the approvals to the director. The director may withdraw the letter if the director determines that the delay in obtaining the certificates is a direct

result of the applicant's action or inaction. An aggrieved applicant may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter.

**Sec. 10-163. Investigations.**

*Director's investigation.* The director shall immediately investigate the statements contained in each application for an original license or permit or the renewal or transfer of location of an existing license, or for change of ownership or change in management or control of the business under this chapter, as well as the character, background, associates, financial investments and indebtedness of the applicant. In addition, upon request of the director, a licensee under this chapter shall file a supplemental report, within 15 days, of any loan made to the licensee of money, or credit relating directly or indirectly to the licensed business. Notwithstanding any other provision of this chapter, the director may on their own motion convene a meeting to receive information from the applicant and citizens on any application for an original license or permit or the renewal or transfer of location of an existing license, or for change of ownership or change in management or control of the business under this chapter, as well as the character, background, associates, financial investments and indebtedness of the applicant.

**Sec. 10-187. Tax clearance.**

(a) Before any retail, wholesale, C.O.L., manufacturer or microbrewery license or permit is issued or renewed under the provisions of this chapter, the applicant shall furnish to the director, a statement from the commissioner of revenue that the applicant has paid all earnings and profits, convention and tourism and occupational license taxes due the city, including all penalties and interest, or does not owe any earnings and profits, convention and tourism and occupational license taxes to the city.

(b) The director may issue a conditional license or permit for the renewal of a license or permit issued under this chapter to an applicant who is on a payment plan, as approved by the commissioner of revenue, for all earnings and profits, convention and tourism, and occupational license taxes due the city.

**Sec. 10-188. Reserved.**

**Sec. 10-189. Issuance to businesses in areas annexed by city.**

Any person doing business outside the city limits in an area which is annexed by the city shall be eligible to apply, regardless of the limitations in section 10-211, within 15 days after annexation, for a city license within the classification to which they are entitled at the time of annexation.

**Secs. 10-190 - 210. Reserved.**

**DIVISION 2. LOCATION.**

**Sec. 10-211. Number of retail alcoholic beverage licenses.**

The number of alcoholic beverage licenses issued by the director shall be limited on the following basis:

- (1) Retail sales-by-drink licenses. One retail sales-by-drink license may be issued for population of zero to 1,500, and one additional retail sales-by-drink license may be issued for each additional 1,500 population which exceeds the first 1,500 population, contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius from a proposed licensed premise, as measured from the center of the door to be used as the main entrance to the premise. For a premise that is currently in operation, the center of the door for the main entrance to the premise shall be determined by the entrance naturally used by the public frequenting the premise. The applicant shall furnish to the director two coordinates expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premise. The limitations provided in this section shall not apply to:
  - a. Retail sales-by-drink licenses issued to hotels, apartment hotels, motels, inns, lodges or similar places providing principally transient residential accommodations and having at least 40 rooms for overnight accommodation.
  - b. Retail sales-by-drink licenses issued to a restaurant-bar as defined in this chapter. At the request of the director, the licensee of a restaurant-bar granted a license under this subsection shall file on a form provided by him, a verified statement showing the total amount of gross receipts, the total amount of gross receipts from the sale of alcoholic beverages, and the total amount of gross receipts from the sale of prepared meals and food made and consumed on the premise for the 90-day period immediately following the date of the issuance of the license, and thereafter for the 12-month period of each year. Upon proper and sufficient evidence submitted to the director, the director shall summarily cancel or refuse to renew the license upon the failure of the licensed premise for a period of one year after issuance or renewal of the license to maintain the business as a restaurant-bar. Cancellation as provided in this subsection by the director of any license issued under this subsection shall not be deemed a revocation and shall not disqualify the licensee from applying for and receiving any license granted under the provisions of this chapter. The cancellation shall be appealable to the board in the manner set forth in section 10-62(b) of this chapter.
  - c. Retail sales-by-drink licenses issued to theatres registered as nonprofit organizations where live performances are given on a regular basis.

- d. Retail sales-by-drink licenses issued to an event space where no more than 18 public events are held at the premise on an annual basis. An event space is defined as an enclosed structure that at the time of initial licensure is zoned for commercial or industrial use by the city and fronts on a "major street" (within the meaning of the city's major street plan as in effect at the time of initial licensure as an event space) at which the only business undertaken is the conduct of private, charity or public events within the space. A public event notification form, as supplied by the director, must be completed and submitted by the retail sales-by-drink licensee a minimum of five business days in advance of the scheduled event. If the director deems necessary, a security plan shall be submitted by the retail sales-by-drink licensee. The public event notification form and security plan must be approved by the director prior to the public event taking place. As it applies to this subsection:
  - 1. A private event is defined as an event, such as a wedding, engagement, or retirement, where everyone in attendance is there by invitation only, and, there is no entry fee, admission charge, door charge, ticket sales or donations taken of any kind to attend the private event, and;
  - 2. A charity event is defined as an event conducted by an organization recognized as an exempt organization under section 501(c)(3) of the Internal Revenue Code that may be attended by members of the general public who pay an entry fee, admission charge or door charge, or who purchases a ticket or makes a donation, to attend the specific event, and;
  - 3. A public event is defined as an event not conducted by an organization recognized as an exempt organization under section 501(c)(3) of the Internal Revenue Code that may be attended by members of the general public who pay an entry fee, admission charge or door charge, or who purchase a ticket, to attend the specific event.
- e. Retail sales-by-drink licenses issued to a manufacturer or microbrewery, as defined in this chapter, to sell only those alcoholic beverages by the drink that are manufactured on the licensed premise.
- f. A licensed premise that will only be used as a storage space where alcoholic beverages are stored, not sold or served, and the general public is not permitted to enter at any time.
- g. Sales-by-drink premises located wholly within the following described locations:

1. *Central City Area.* That area bounded by, including and beginning from the intersecting point of the block face frontage of the west side of Broadway Boulevard and including the block face frontage of I-70 on the north, thence east along the block face frontage of I-70 on the north to the intersecting point of and including the block face frontage of the east side of Cherry Avenue, thence south along the block face frontage of the east side of Cherry Avenue to the intersecting point of and including the block face frontage of the south side of 8th Street, thence east along the block face frontage of the south side of 8th Street to the intersecting point of and including the block face frontage of the east side of Holmes Avenue, thence south along the block face frontage of the east side of Holmes Avenue to the intersecting point of and including the block face frontage of the south side of 24th Street, thence west along the block face frontage of the south side of 24th Street to the intersecting point of and including the block face frontage of the west side of Broadway Boulevard, thence north along the block face frontage of the west side of Broadway Boulevard to the intersecting point of and including the block face frontage of the west side of Broadway Boulevard and the block face frontage of I-70 on the north.
  
2. *18<sup>th</sup> and Vine District Area.* That area bounded by and beginning from the intersecting point of Lydia Avenue and East Truman Road, thence east along East Truman Road to the intersecting point of Brooklyn Avenue, thence south along Brooklyn Avenue to the intersecting point of East 19th Street, thence west along East 19th Street to the intersecting point of Groves Street, thence north along Groves Street to the intersecting point of East 17th Street, thence west along East 17th Street to the intersecting point of Lydia Avenue, thence north along Lydia Avenue to the intersecting point of East Truman Road. After April 1, 2018, if an applicant proposes to operate a retail sales-by-drink business to be located outside the boundaries of this area, any additional business located within this new area which adds to the density after April 1, 2018 will not be included when considering the limitations of businesses as outlined in subsection (1) of this section .
  
3. *West Bottoms Area.* That area bounded by and beginning at the intersection of the west city limit and the south bank of the Missouri River, thence south along the west boundary of the city limit to the intersection with the north right-of-way line of 25th Street, thence east along the north right-of-way line of 25th Street to the intersection with the west right-of-way line of Allen Road, thence generally north along the west right-of-way line of Allen

Road to the intersection with the west right-of-way line of Holly Avenue, thence north along the west right-of-way line of Holly Avenue to the intersection with the west right-of-way line of Beardsley Road, thence north along the west right-of-way line of Beardsley Road to the intersection with the north right-of-way line of 6th Street, thence east along the north right-of-way line of 6th Street to the intersection with the west right-of-way of Broadway Avenue, thence north along the west right-of-way line of Broadway Avenue to the intersection with the south bank of the Missouri River, thence west along the south bank of the Missouri River to the point of beginning.

4. *Zona Rosa Shopping District Area.* The east and west sides of N.W. Prairie View Road, north of N.W. Barry Road extending north to Missouri Highway 152, on the north and south sides of N.W. Prairie View Road, west of the intersection of Interstate 29 and Highway 152 extending west to N. Congress Avenue, and at the southwest corner of Highway 152 and N. Congress Avenue.
5. *City Market District Area.* That area bounded by, including and beginning from the intersecting point of the Buck O'Neil Bridge and the south bank of the Missouri River, thence east along the south bank of the Missouri River to the intersecting point of the Heart of America Bridge, thence south along the Heart of America Bridge to the intersecting point of I-70, thence west along I-70 to the intersecting point of the Buck O'Neil bridge, thence north along the Buck O'Neil Bridge to the intersecting point of the south bank of the Missouri River.
6. *Tiffany Springs Market Area.* That area bounded by Tiffany Springs Road on the north, Interstate 29 on the west, Missouri Highway 152 on the south and N. Ambassador Drive on the east.
7. *25<sup>th</sup> and Southwest Blvd. Area.* That area bounded by Southwest Boulevard on the west, West 25th Street on the north, Summit Street on the east and West 26th Street on the south.
8. *Village at Briarcliff Area.* That area bounded by North Mulberry Drive on the west, the northern boundary of the Briarcliff Village Tract C-1 parcel on the north, the eastern boundary of the Briarcliff Village Tract C-1 parcel on the east and the southern boundary of the Briarcliff Village Tract C-1 parcel on the south.
9. *East Bottoms Area.* That area bounded by and beginning from the intersecting point of North Garland Avenue and Nicholson Avenue, thence east along Nicholson Avenue to the intersecting

point of North Agnes Avenue, thence south along North Agnes Avenue and continuing in a straight line to the intersecting point of the northern border of Kessler Park, thence west along the northern border of Kessler Park to the point where North Garland Avenue would intersect the northern border of Kessler Park, thence north along North Garland Avenue to the intersecting point of Nicholson Avenue. After April 1, 2018, if an applicant proposes to operate a retail sales-by-drink business to be located outside the boundaries of this area, any additional business located within this new area which adds to the density after April 1, 2018 will not be included when considering the limitations of businesses as outlined in subsection (1) of this section.

10. *Mill Creek Plaza Area.* That area bounded by and beginning from the intersecting point of 103rd Street and the west bank of Indian Creek, thence southwest along the west bank of Indian Creek to the intersecting point of the west bank of Indian Creek and the state line, thence north along the state line to the south line of Lea Manor Subdivision, thence east along the south line of the Lea Manor Subdivision, to the west line of Lot 3, Watts Mill Plaza Subdivision, thence south along the west line of Lot 3, Watts Mill Plaza Subdivision, to the south line of Lot 3, Watts Mill Plaza Subdivision, thence east along the south line of Lot 3, Watts Mill Plaza Subdivision, to the east line of Lot 3, Watts Mill Plaza Subdivision, thence north along the east line of Lot 3, Watts Mill Plaza Subdivision, to the south line of lots 18, 19, and 20 Eden Subdivision, thence southeast along the south line of lots 18, 19, and 20, Eden Subdivision to the east line of lots 18, 19, and 20, Eden subdivision, thence south to the west bank of Indian Creek, thence southwest along the west bank of Indian Creek back to the intersecting point of 103rd Street and the west bank of Indian Creek.
  - h. Retail sales-by-drink licenses issued to a wine manufacturer to sell only those alcoholic beverages by the drink produced on a premises in close proximity to the winery.
- (2) Retail sales-by-package licenses. Two retail sales-by-package licenses may be issued for population of zero to 1,500, and one additional sales-by-package license may be issued for each additional 1,500 population which exceeds the first 1,500 population, contained within the entire boundaries of any United States census blocks located in the city which abut the city limits of the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius from a proposed licensed premise, as measured from the center of the door to be used as the main entrance to the premise. For all other census blocks located in the city that do not abut the city limit lines as described above, one

retail sales-by-package license may be issued for population of zero to 1,500, and one additional sales-by-package license may be issued for each additional 1,500 population which exceeds the first 1,500 population, contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius from a proposed licensed premise, as measured from the center of the door to be used as the main entrance to the premise. For a premise that is currently in operation, the center of the door for the main entrance to the premise shall be determined by the entrance naturally used by the public frequenting the premise. The applicant shall furnish to the director two coordinates expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premise. The limitations provided in this section shall not apply to a liquor license applicant who meets any of the following criteria:

- a. If an applicant proposes to operate a retail sales-by-package premise and the size of the building is not less than 5,000 square feet and an average of 70 percent or more of its total gross receipts, other than receipts from the sale of motor vehicle fuel, are from sales of inventory excluding alcoholic beverages. The licensee of a retail sales-by-package premise granted a license under this subsection shall file with the director, on a form provided by him, a verified statement showing the total amount of gross receipts, other than receipts from the sale of motor vehicle fuel, the total amount of gross receipts from the sale of alcoholic beverages, and the total amount of gross receipts from the sale of inventory exclusive of alcoholic beverages made on the premise for the 90-day period immediately following the date of the original issuance of the license, and thereafter for the 12- month license period. The statements shall be filed within 15 days after the expiration of the 90-day period and with each annual renewal application for a retail sales-by-package license. Upon proper and sufficient evidence submitted to the director, the director shall summarily cancel or refuse to renew the license upon the failure of the licensed premise for a period of one year after original issuance or renewal of the license to maintain a building of not less than 5,000 square feet; or upon the failure to maintain an average of 70 percent or more of its total gross receipts, other than receipts from the sale of motor vehicle fuel, from sales of inventory excluding alcoholic beverages. Cancellation as provided in this subsection by the director of any license issued under this subsection shall not be deemed a revocation and shall not disqualify the licensee from applying for and receiving any license granted under the provisions of this chapter. The cancellation shall be appealable to the board in the manner set forth in section 10-62(b) of this chapter.
- b. If an applicant proposes to operate a retail sales-by-package premise and the 3,000-foot radius, as measured from the center of the door for the main

entrance of the premise as determined by the entire boundaries of any United States census blocks located in the city and which census blocks are located wholly within or intersected by the radius, has a population of 750 or less.

- c. A licensed premise that will only be used as a storage space where alcoholic beverages are stored, not sold or served, and the general public is not permitted to enter at any time.
- d. If an applicant proposes to operate a retail sales-by-package premise located wholly within:
  - 1. *Greater Central City Area.* That area bounded by, including and beginning from the intersecting point of the block face frontage of the west side of the Broadway Bridge and the south bank of the Missouri River, thence east along the south bank of the Missouri River to the intersecting point of and including the west side of the Heart of America Bridge, thence south along the block face frontage of the west side of the Heart of America Bridge to the intersecting point of and including the block face frontage of the north side of I-70 on the north, thence east along the block face frontage of the north side of I-70 on the north to the intersecting point of and including the block face frontage of the east side of Cherry Avenue, thence south along the block face frontage of the east side of Cherry Avenue to the intersecting point of and including the block face frontage of the south side of 8th Street, thence east along the block face frontage of the south side of 8th Street to the intersecting point of and including the block face frontage of the east side of Holmes Avenue, thence south along the block face frontage of the east side of Holmes Avenue to the intersecting point of and including the block face frontage of the south side of 24th Street, thence west along the block face frontage of the south side of 24th Street to the intersecting point of and including the block face frontage of the west side of Broadway Boulevard, thence north along the block face frontage of the west side of Broadway Boulevard to the intersecting point of the west side of the Broadway Bridge and the south bank of the Missouri River.
  - 2. *West Bottoms Area.* That area bounded by Forester Road on the north, Mulberry Street on the east, St. Louis Avenue on the south and Hickory Street on the west.
  - 3. *Zona Rosa Shopping District Area.* The east and west sides of N.W. Prairie View Road, north of N.W. Barry Road extending north to Missouri Highway 152, on the north and south sides of

N.W. Prairie View Road, west of the intersection of Interstate 29 and Highway 152 extending west to N. Congress Avenue, and at the southwest corner of Highway 152 and N. Congress Avenue.

4. *Tiffany Springs Market Area.* That area bounded by Tiffany Springs Road on the north, Interstate 29 on the west, Missouri Highway 152 on the south and N. Ambassador Drive on the east.
5. *79<sup>th</sup> and State Line Area.* That area bounded by 79th Street on the north, State Line Road on the west, 81st Street on the south and Ward Parkway on the east.
6. *Ward Parkway Plaza Area.* That area bounded by West 85th Terrace on the north, State Line Road on the west, West 89th Street on the south and Ward Parkway on the east.
7. *Innovation Campus Area.* That area bounded by, including and beginning from the intersecting point of the Kansas City Southern Railroad tracks and East Bannister Road, thence west along East Bannister Road to the intersecting point of Hillcrest Road, thence west along and including the block face frontage of the south side of east Bannister Road to the intersecting point of Hickman Mills Drive, thence northwest along Hickman Mills Drive to the intersecting point of Blue River Road, thence northeast along Blue River Road to the intersecting point of East 87th Street, thence east along and including the block face frontage of the north side of East 87th Street to the intersecting point of the Kansas City Southern Railroad tracks, thence south along the Kansas City Southern Railroad tracks to East Bannister Road.
8. *Martini Corner Area.* That area bounded by East 29th Street on the north, Gillham Road on the east, East 30th street on the south and Oak Street on the west.
9. *Shoppes at Shoal Creek Area.* That area bounded by Missouri Highway 152 on the south; North Flintlock Road on the east; the northern border of Lots 1 and 5, The Shoppes at Shoal Creek Subdivision, on the north; and Lot 1, The Shoppes at Shoal Creek Subdivision, on the west.
10. *Westport Shopping Center Area.* That area bounded by, including and beginning from the intersecting point of Southwest Trafficway and Greenwood Place, thence south on Southwest Trafficway to the intersecting point of Westport Road, thence southwest on Westport Road to the intersecting point of Wiedenmann Place, thence north on Wiedenmann Place to the intersecting point of the

northwest corner of Lot 8, Wiedenmann Place Subdivision, said northwest corner being on the south line of alley; thence northeast along the south line of said alley to the northeast corner of Lot 24, Greenwood Place Subdivision; thence southeast on Greenwood Place to the intersecting point of Southwest Trafficway.

11. *Mill Creek Plaza Area.* That area bounded by and beginning from the intersecting point of 103rd Street and the west bank of Indian Creek, thence southwest along the west bank of Indian Creek to the intersecting point of the west bank of Indian Creek and the state line, thence north along the state line to the south line of Lea Manor Subdivision, thence east along the south line of the Lea Manor Subdivision, to the west line of Lot 3, Watts Mill Plaza Subdivision, thence south along the west line of Lot 3, Watts Mill Plaza Subdivision, to the south line of Lot 3, Watts Mill Plaza Subdivision, thence east along the south line of Lot 3, Watts Mill Plaza Subdivision, to the east line of Lot 3, Watts Mill Plaza Subdivision, thence north along the east line of Lot 3, Watts Mill Plaza Subdivision, to the south line of lots 18, 19, and 20 Eden Subdivision, thence southeast along the south line of lots 18, 19, and 20, Eden Subdivision to the east line of lots 18, 19, and 20, Eden subdivision, thence south to the west bank of Indian Creek, thence southwest along the west bank of Indian Creek back to the intersecting point of 103rd Street and the west bank of Indian Creek.
- e. If an applicant proposes to operate a retail sales-by-package premise for the sale of malt beverages having an alcohol content not in excess of five percent by weight in the original package, the premise is located so that no residentially zoned property is within a radius of 600 feet from the premise as measured from the center of the door for the main entrance to the premise, 80 percent or more of the gross sales on the premise are nonalcoholic beverage sales, and the majority of eligible neighbors who filed a written response with the director did not oppose the granting of a license at the premises under the provisions of section 10-214, provided that the applicable radius to determine eligible neighbors shall be 500 feet.
- (3) The determination of population contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius as measured from the center of the door of the main entrance of a proposed sales-by-drink or sales-by-package premise, shall be made by adding the total population as determined by the most recent U.S. Decennial Census or, at the applicant's choice, by requesting from the city planning and development department the Kansas City Population Update Report prepared and signed by the city's planning and development department to determine population that is contained within the

entire boundaries of each such United States census block. The determination of the number of licenses of a specific category located within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius as measured from the center of the door of the main entrance of a proposed sales-by-drink or sales-by-package premise, shall be made by adding the total number of such licenses located within the entire boundaries of each such United States census block, but excluding those licenses exempted under (1)a., (1)b., and (1)c., located within the entire boundaries of each such United States census block. In connection with any application for a new license regulated under this section, for the purposes of determining the number of licenses in the categories regulated under this section, contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius from a proposed licensed premise, as measured from the center of the door for the main entrance to the premise, all such city licenses existing at the time of the determination by the director, whether serving a suspension, under an order of nonrenewal, under an order of suspension or revocation, or under investigation for, subject to or charged with disqualification from holding a license or a violation of the provisions of this chapter, shall be included in the calculation unless the nonrenewal or revocation is final with all rights of appeal foreclosed.

- (4) If the total number of sales-by-drink or sales-by-package licenses herein issued at the time this chapter becomes effective exceeds the number authorized for that category of license, those licenses, if they meet all other requirements, shall be entitled to renewal on an annual basis. If a license is not renewed or ceases to fulfill all other requirements of this chapter and is thereafter terminated or canceled or expires, then an application for a new license for the previously licensed premise shall be required to fulfill all conditions of this chapter for an original license, including but not limited to the provisions of section 10-211 limiting the number of licenses. Additional licenses in a category shall not be issued until the time as the respective population ratios as calculated and determined under this section exceed the populations provided herein. A new license in a category, if the application meets all other requirements of this chapter, may be issued for a vacancy created by bona fide purchase or transfer of a license to a new premise located in a census block wholly within or intersected by a 3,000-foot radius from the existing licensed premise, as measured from the center of the door for the main entrance to the premise, so long as an application for a new license is filed within 12 months from the date of bona fide purchase or transfer. A licensee whose license has been surrendered, canceled or not renewed as a result of the transfer of the real property where the premise is located to an entity that has the power of eminent domain, and who files an application for a new license within 12 months from the date of the transfer of the real property shall be exempt from the requirements of this section with respect to a new location, but the licensee shall meet all other requirements of this chapter. For the purposes of this chapter, the

center of the door for the main entrance to the premise shall be determined by the entrance naturally used by the public frequenting the establishment who shall furnish to the city two coordinates expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premise.

**Sec. 10-212. Location.**

(a) No liquor license, expansion of premises, change in license type, change in location, extended hours permit, or amended license to allow live entertainment shall be issued for any location where the license is likely to interfere with or be detrimental to the rights or interests of the neighboring community.

(b) For purposes of this section, it shall be presumed that a proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community if:

- (1) The applicable premises is or will be a sales-by-drink tavern and is within 300 feet of a church or school, unless it is located within an exception area;
- (2) The applicable premises has or will have a sales-by-package license and is within 300 feet of a church or school, unless the proposed license is a grocery store or located within an exception area;
- (3) The applicable premises is or will be a sales-by-drink tavern and is within 300 feet of an area that is zoned residential unless it is located within an exception area;
- (4) The applicable premises has or will have a sales-by-package license and is within 300 feet of an area that is zoned residential, unless the proposed premises is a grocery store or it is located within an exception area;
- (5) The applicable premises is seeking an extended hours permit, pursuant to section 10-106 and is located within 1,500 feet of an area that is zoned residential;
- (6) The applicable premises has or will have a sales-by-drink license and is not located within an exception area, and 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license at the premises; or
- (7) The applicable premises has or will have a sales-by-package license that is not located within an exception area and 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license at the premises. Distance shall be measured from the nearest point of the enclosing wall of the licensed premises or proposed license premises to the nearest enclosing wall of a church or school or to the nearest point of a parcel zoned residential.

(d) Any applicant seeking to rebut the presumption that their proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community shall make a written request to the director describing why the applicant believes a waiver is appropriate. The director may permit waiver of one or more of the presumptions listed in subsection (b) if the director finds that the proposed license is not likely to interfere with or be detrimental to the rights and interests of the neighboring community. In considering a waiver the director may consider:

- (1) The physical characteristics of the proposed premises;
- (2) Relevant geography and character of both the premises and the surrounding neighborhood;
- (3) The proximity of the premises to other uses and use types and the effect of the exterior lighting, noise, traffic and parking associated with the operation of the premises, with its patrons or with other persons frequenting the premises on the surrounding area;
- (4) The type of activity or entertainment to be conducted at the establishment and the days and times during which such activity would take place;
- (5) Whether any applicable church or school within 300 feet of the proposed premises supports the requested waiver;
- (6) The history of past use at the proposed premises; and
- (7) The measures the applicant proposes to implement to maintain quiet and security in conjunction with the establishment.

(e) The director shall review any request to rebut a presumption in subsection (b), along with any additional information submitted by an eligible neighbor, city department, the Kansas City Police Department, and any other information that the director deems relevant. The director shall not make a decision until forty-five days after notice is provided to all eligible neighbors as required by section 10-214. The director shall issue the decision in writing to the applicant and all responding eligible neighbors and provide the reasons for their decision.

(f) The director may grant a conditional license to any applicant whose proposed license is in conflict with subsection (b) in order to avoid the proposed premises interfering with or being a detriment to the rights and interests of the neighboring community.

(g) If a license or permit is not renewed or ceases to fulfill all other requirements of this chapter and expires, then an application for a new license or permit for the previously licensed premises shall be required to fulfill all conditions of this chapter for an original license or permit.

(h) If a license or permit issued under this chapter has been revoked, then an eligible applicant may apply for a new license or permit for the premises where a license or permit has

been revoked and shall be required to fulfill all conditions of this chapter for an original license or permit.

**Sec. 10-213. Building, fire, and health code compliance.**

Before any retail, wholesale, C.O.L., manufacturer or microbrewery license or permit for a new establishment or for the expansion of an existing establishment is issued or renewal of a license or permit for an existing establishment is issued under the provisions of this chapter, the applicant shall furnish to the director upon request, approval from the directors of city planning and development, fire, health and neighborhoods stating that with respect to the application the applicant is in compliance with the respective codes and the zoning ordinance of the city.

**Sec. 10-214. Eligible neighbor notification.**

(a) For purposes of this section, eligible neighbors shall include the owners of a minimum of 15 eligible property parcels as defined by geographic information systems maps based on the North American Datum 1983 Missouri West State Plane Coordinate System, maintained by the public works department of the city, wholly within or intersected by a radius of 250 feet from the proposed premises, as measured from the center of the door for the main entrance to the premises. For any premises that does not either intersect or include the boundaries of a minimum of 15 eligible property parcels within a radius of 250 feet, the radius will be increased by segments of 100 feet not to exceed 1,500 feet until the premises is intersected by or within the boundaries of a minimum of 15 eligible property parcels. The center of the door for the main entrance to the premises shall be determined by the entrance most used by the public frequenting the establishment. Regardless of how many parcels an individual may control or own, any individual real person may only submit one written response to the director and only one parcel owned or controlled by an individual shall be considered eligible for purposes of this section. For parcels that are condominiums, meaning a single building with multiple owners governed by a common home owners association or similar collective organization, the director shall only be required to notify the homeowners association which may submit a written response on behalf of the building and all its owners. In lieu of a written response from an eligible property owner under this section, the director shall accept a response in proper form from a tenant if the tenancy is for a term not less than one year.

(b) The neighbor notification requirement provided in this section shall apply to:

- (1) Any new premises;
- (2) A new application for any premises that was previously licensed unless not required in section 10-269 of this chapter;
- (3) The expansion of any licensed premises;
- (4) Notwithstanding any other section of this chapter, any previously licensed or permitted premise where the license or permit was revoked;

- (5) Any licensed premises, including but not limited to a restaurant, tavern, hotel, bowling alley, grocery store or convenience store that changes the type of business that was originally approved by the director;
- (6) Any premises intending to provide live entertainment as outlined in section 10-332 of this chapter; and
- (7) Any change in ownership of a licensed premises unless not required in section 10-266 of this chapter.

(c) An applicant shall furnish with the application two coordinates, expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premises.

(d) The director shall mail written notification of the filing an application for a license under this section to all eligible neighbors as determined by subsection (a), along with a response form that the eligible neighbor can complete, within 14 business days of the applicant submitting their completed application. An eligible neighbor may submit the response form indicating whether they support or oppose the issuance of the license, along with their reason for supporting or opposing the license, within 30 days of the issuance of the notice by the director. Responses shall be in writing on a form provided by the director and shall contain a statement that the person signing is a bona fide eligible neighbor under the provisions of this section. An eligible neighbor may change or withdraw their response during the 30 day period by notifying the director in writing stating their desire to change or withdraw their response.

(e) The applicant must provide a notarized statement that no eligible neighbor or tenant of an eligible neighbor has received, either directly or indirectly, anything of value which may include but is not limited to any gift, compensation, loan, favor, privilege, service, courtesy or otherwise, in exchange for their response or not filing a response.

(f) The director shall also mail written notification of the filing of an application for a license under this section to all neighborhood associations registered with the city in the same zip code as the proposed premises.

(g) The director shall not accept an application for a sales-by-drink or sales-by-package licensed premise not within an exception area where 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license two times within a 12-month period unless 12 months have passed from the date of the most recent denial by the director or withdrawal by an applicant of an application.

(h) Neighbor notification shall not be required or considered for a licensed premise that will only be used as a storage space where alcoholic beverages are stored, not sold or served, and the general public will not be permitted to enter at any time.

**Sec. 10-215. Exception Areas.**

The following areas shall be known for the purposes of this chapter as “exception areas”:

(a) 18th & Vine District Area means the area generally described as the area bounded by and beginning from the intersecting point of Lydia Avenue and East Truman Road, thence east along East Truman Road to the intersecting point of Brooklyn Avenue, thence south along Brooklyn Avenue to the intersecting point of East 19th Street, thence west along East 19th Street to the intersecting point of Groves Street, thence north along Groves Street to the intersecting point of East 17th Street, thence west along East 17th Street to the intersecting point of Lydia Avenue, thence north along Lydia Avenue to the intersecting point of East Truman Road.

(b) Central Business District Area means the area generally described as the area between the Missouri River on the north, Broadway Boulevard on the west, Holmes Street on the east and Pershing Road on the south.

(c) Country Club Plaza Area means the area generally described as the area between 46th Terrace on the north, Main Street on the east, Ward Parkway on the south and Belleview Avenue on the west.

(d) Westport Shopping District Area means the area generally described as the area between 39th Street on the north, Main Street on the east, 43rd Street on the South and Southwest Trafficway on the west.

(e) Zona Rosa Shopping District Area means the area generally described as the area between Missouri Highway 152 on the north, Interstate 29 on the east, to Barry Road on the south, to Northwest Prairie View Road, to Northwest 86th Terrace and to North Congress Avenue on the west.

(f) *Uptown District Area* means the area generally described as the area located on both sides and adjacent to Broadway Boulevard from 34<sup>th</sup> Terrace (extended) on the North to Valentine Road (extended) on the South.

**Sec. 10-216. Reserved.**

**Sec. 10-217. Existing licensed establishments.**

Nothing contained in this division shall affect any retail sale-by-drink or C.O.L. alcoholic beverage establishment legally located before and continuously operated since April 5, 1968.

**Sec. 10-241. Criteria for issuance of license**

(a) In considering whether to approve or disapprove an application for any license or permit under this chapter, the director shall determine whether the applicant is qualified and meets all requirements for the license or sales permit in accordance with this Chapter and whether the approval of the license or permit will be in the best interests of the city.

(b) In making the determination of whether the approval of the license or sales permit will be in the best interests of the city, the director shall consider:

- (1) Whether previous licenses granted to the same applicant or to other applicants for the same site have resulted in lewd and indecent conduct, criminal activity, or other disturbances to the surrounding areas including, but not limited to, complaints of loud music, noise, litter, disorderly assemblages, loitering or public urination.
- (2) The type of activity or entertainment to be conducted at the establishment and the days and times during which such activity will take place.
- (3) Whether the licensee has at another or past premises ever violated the provisions of this chapter, or other law or regulation.
- (4) The legal nature and history of the applicant with other similar uses or businesses.
- (5) The number of adult bookstores, adult entertainment facilities, bathhouses, massage shops and modeling studios, as defined in the zoning ordinance, within 3,000 feet of the proposed premises.
- (6) Any other factors which reasonably relate to the public health, safety and welfare.

(c) The director may request any department or agency of the city to provide data, information, opinions or recommendations which will assist them in reviewing any application for a license, including but not limited to:

- (1) *Public works department:* Traffic flow, location of curb cuts for parking lots, and parking availability surveys.
- (2) *City planning and development department:* Impact upon the community, neighborhood, surrounding environs, adopted area plans and comprehensive plans or development projects in the area, and applicable building codes, parking requirements and zoning restrictions.
- (3) *Fire department:* Access for emergency vehicles and safety of the proposed location.
- (4) *Police department:* Potential impact of crime, disturbances and traffic related to density or location of licensed establishments upon nearby residential or commercial neighborhoods.
- (5) *Health department:* Adverse impact upon the health, safety and general welfare.
- (6) *Parks and recreation department:* Impact upon parks, boulevards or community centers within the vicinity.

(c) The provisions of this section shall apply to any new application for any classification of license as well as any application for an expansion of premises or transfer of location of the license.

**Sec. 10-242. Probationary period.**

(a) All new licensees and permittees are placed on a six month probationary period which begins after the license or permit has been issued on the first day the business is open to the public. In order to successfully complete the probationary period, the licensee or permittee must meet the following criteria:

- (1) A licensee or permittee under this chapter has at all times maintained an orderly place; and
- (2) A licensee or permittee or an employee, agent or servant of a licensee or permittee has not violated any of the provisions of this chapter; and
- (3) A licensee or permittee has not been found to have obtained their license or permit through materially false statements made through the application process for a license or permit; and
- (4) A licensee or permittee made a complete disclosure of all pertinent information during the application process for a license or permit; and
- (5) Nothing has occurred which would render the licensee or permittee or licensed premises ineligible or unsuitable for a license or permit under the provisions of this chapter.

If a licensee or permittee fails to successfully complete the probationary period, the director may place the licensee or permittee on a conditional license agreement for a period of up to one year. If the licensee or permittee does not agree to the conditional license agreement, the director may file to revoke all licenses and permits issued under this chapter. After the expiration of the conditional license agreement, if the licensee is still in violation of the above criteria all licenses and permits issued under this chapter shall be revoked.

(b) If any current retail licensee or permittee or employee of the licensee or permittee has been found by the director to have:

- (1) Obtained their license or permit or attempted to obtain a license or permit through materially false statements made through the application process for a license or permit; or
- (2) Caused a nuisance to or change in character of a residential area or the immediate area surrounding the premise; or

- (3) Allowed lewd and indecent conduct on or within the immediate vicinity of the licensed premises; or
- (4) Not at all times maintained an orderly place; or
- (5) Had occurrences which would render the licensee or permittee or licensed premises ineligible or unsuitable for a license or permit under the provisions of this chapter, however, multiple occurrences may arise from one incident;

The licensee or permittee may be placed on a six month probationary period. In order to successfully complete the probationary period, the licensee or permittee may not have any violations of the criteria listed in this subsection. If a licensee or permittee fails to successfully complete the probationary period, the director may place the licensee or permittee on a conditional license agreement for a period of up to one year. If the licensee or permittee does not agree to the conditional license agreement, the director may file to revoke all licenses and permits issued under this chapter. If the licensee is still in violation of the above criteria after the expiration of the conditional license agreement, all licenses and permits issued under this chapter shall be revoked.

(c) Nothing in this section shall prevent the director from seeking an immediate suspension or revocation of any license or permit as provided in this chapter.

**Sec. 10-261. Renewals.**

(a) *Renewal period, notification, filing dates and termination of license due to failure to renew.* The license period for retail or wholesale sale of alcoholic beverages and C.O.L. licenses and permits will be for a period of one year beginning and ending on dates determined by the director. Renewal notification will be sent to licensees 90 days prior to the date of expiration. The completed renewal application is due 30 days prior to the expiration date of the current license and no sales of alcoholic beverages shall be allowed on the premises after the expiration date of the license or permit. Failure to apply for a renewal of a liquor license or permit within 120 days of the expiration date shall render the expired license null and void. An application for renewal of a liquor license or permit received within 120 days of the license expiration date may be considered by the director for approval up to 180 days after the expiration of the license.

(b) *Proper parties to file application.* In the case of a business owned by an individual, the renewal application shall be filed by the actual owner. In the case of a partnership, separate applications shall be filed by each member of the partnership. In the case of a limited liability company, the renewal application shall be filed by either the managing officer of the business or any member of the limited liability company. In the case of a corporation, the renewal application shall be filed by either the managing officer of the business or a corporate officer of the corporation.

(c) *Contents of application.* A renewal application shall disclose by affidavit, on a form provided by the director, the following information, along with any other information the director deems necessary:

- (1) The name and address of the owners of the business at the date of filing. If the business is owned by a partnership, then the application shall include the names and addresses of all partners. If the business is owned in whole or in part by a limited liability company then the application shall include the names and addresses of all members of the company. If the business is owned in whole or in part by a corporation, the application shall include the names and addresses of the corporate officers and directors, and all stockholders if the total number of stockholders is less than 15, or, if there are more than 15 stockholders in the corporation, then the applicant shall furnish the names and addresses of all stockholders who hold 10 percent or more of the capital stock and the percentage of stock held by each such stockholder.
- (2) The financial status of the business, including all loans, notes, chattels, mortgages and any and all other outstanding obligations, and the balance due thereon, except current alcoholic beverage bills, or other current bills, for merchandise incidental to the operation of the business for which the license is sought.
- (3) The banks with which the licensee is doing any business, and the signed consent by the licensee for the director or their authorized representatives to examine any and all business bank accounts, records and other data pertaining to the licensed business.
- (4) The names and addresses of any persons who have contributed any money to, have loaned any money to, or have had any investments in the licensed business during the preceding year. The applicant shall further state the amounts received from those persons, the purpose for which the money was used, and any outstanding obligations and the balance due thereon.
- (5) Whether the applicant has borrowed or accepted money and a statement that the applicant will not to borrow or accept money in the future from any wholesale supplier of alcoholic beverages or any supplier of coin-operated commercial, manual or mechanical amusement devices, or the employees, officers or agents thereof, or from any owner of coin-operated commercial, manual or mechanical amusement devices on or about the licensed premises, or from any felon or person who is not of good moral character.
- (6) The names and addresses of any and all persons who may be engaged, either directly or indirectly, in any part of the management and control of the licensed business.
- (7) Whether the applicant has complied with, during the past year, and will continue to comply with, the provisions of the fair public accommodation sections of chapter 38.

(d) *Documentation filed with application.* The following documents shall be filed with applications for renewals:

- (1) If the application is for renewal of a restaurant-bar license, the applicant shall furnish to the director, copies of all city convention and tourism tax returns, showing that at least 50 percent of the gross income of the restaurant-bar for the

one year preceding the date of the application was derived from the sale of prepared meals or food consumed on the premises

- (2) If a license has been issued to an applicant who represents at the time of the original application that the licensee has control of parking facilities by ownership, lease or otherwise, and the license was issued relying in part upon that representation, then any renewal application shall include the same or similar representations and proof of control as the director shall require. Loss of parking facilities through no fault of the license holder shall not be cause for denial of renewal.

(e) *Disapproval of application to renew.* The director shall disapprove an application for renewal of any license or permit on the following grounds:

- (1) If any renewal application contains information which does not justify renewal;
- (2) If the director has other information that the applicant has not met the requirements of this chapter;
- (3) If the licensee or any employee of the licensee or a permit holder under this chapter is convicted within the current license year in the municipal court of the city or any other court in this state, of 3 or more violations of this chapter; or
- (4) If the director has any other information which does not justify renewal. An applicant whose application for renewal of a license or permit has been disapproved may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter. An applicant whose application for renewal of a license or permit has been disapproved may not sell or distribute alcoholic beverages on the premises during the renewal year unless and until
  - (i) the applicant thereafter files a written request for a hearing in the manner provided in section 10-62(a) of this chapter, in which case the disapproval shall be stayed until final adjudication of the matter, except that if one of the reasons for disapproval is the nonpayment of the required license fee set forth in section 10-127 of this chapter or nonpayment of any taxes set forth in section 10-186 of this chapter, then the disapproval shall not be stayed; or
  - (ii) the disapproval has been reversed or set aside by the director, the board or court order.

(f) *Considerations for renewal.* In determining whether a renewal application shall be disapproved, the director, or the board, upon appeal, shall consider the following factors:

- (1) Whether the licensee has failed to report a change in ownership in the business or change in management or control of the business that has occurred in the current license year;

- (2) Whether the licensed premises has changed the character of the surrounding neighborhood or interfered with or been detrimental to the rights or interests of the neighboring community;
- (3) Whether lewd and indecent conduct, including but not limited to public urination, exhibited by persons frequenting the licensed premises or by the licensee or their employees, servants or agents, has occurred on the licensed premises or in the immediate vicinity thereof;
- (4) Whether crimes or city ordinance violations have been committed upon or in the immediate vicinity of the licensed premises by persons frequenting the premises or by the licensee or their employees, servants or agents;
- (5) The frequency of disturbances or other incidents upon or in the immediate vicinity of the licensed premises by persons frequenting the premises that have required police presence, response, investigation or other action;
- (6) Whether the licensee has allowed or permitted any type of entertainment on or about the licensed premises without application to and written approval by the director;
- (7) Whether the type of entertainment has interfered with or been detrimental to the rights or interests of the neighboring community, and, if any renewal application proposes to change the type of entertainment for the premises, whether the proposed entertainment would interfere with or be detrimental to the rights or interests of the neighboring community, considering those other factors delineated in section 10-212;
- (8) Whether the sale of illegal drugs or controlled substances or illegal gambling has occurred upon or in the immediate vicinity of the licensed premises by persons frequenting the premises or by the licensee or their employees, servants or agents;
- (9) Other factors which, due to the character of the surrounding neighborhood or of the licensed premises, would be relevant to the determination of whether renewal of a license or permit would interfere with or be detrimental to the rights or interests of the neighboring community;
- (10) Whether the licensee or permittee has received prior notice of violations of this chapter or of other factors which may not justify renewal;
- (11) Whether the licensee or permittee has timely complied with all requirements for and completed the process for renewal of the license; and
- (12) Whether the licensed premises has changed in size, either through expansion or reduction of square footage.

(g) Notwithstanding the provisions of sections 10-266 and 10-269 of this chapter, if a license is not renewed or ceases to fulfill all other requirements of this chapter and is thereafter terminated or canceled or expires, then an application for a new license for the previously

licensed premises shall be required to fulfill all conditions of this chapter for an original license, including but not limited to the requirements in section 10-212.

(h) Notwithstanding any other provision of this chapter, the director may renew a restaurant-bar license for an establishment that did not derive 50 percent or more of its annual gross sales from the sale of prepared meals and food made and consumed on the premises, if the establishment held a restaurant-bar license in the year immediately prior and the applicant provides documentation that the licensed establishment was closed or had reduced sales in the year immediately prior because of an event or occurrence outside of the control of the applicant that resulted in a state of emergency lasting more than two weeks, as declared by the mayor or governor of Missouri.

(i) Notwithstanding any other provision of this chapter, the director may renew a restaurant-bar license for an establishment that did not derive 50 percent or more of its annual gross sales from the sale of prepared meals and food made and consumed on the premises if the establishment had a restaurant-bar license prior to September 1, 2021, and the licensee is in compliance with all other provisions of this chapter.

### **Sec. 10-263. Transfer of location.**

(a) *Application required.* A licensee desiring the transfer of an existing original license to a different location shall file a written application for transfer with the director and pay an application fee of \$25.00 to the city treasurer to defray the cost of investigation and the application process. The application fee is not refundable. A convention trade area 3:00 a.m. closing permit cannot be transferred to another location. The application for transfer shall:

- (1) Disclose the name and residential address of the licensee, and current business address.
- (2) Disclose the address and legal description of the premises to which transfer is sought, together with the name and address of the owner, a complete set of building plans, and a descriptive list of the fixtures in the proposed place of business.
- (3) Include an affidavit by the licensee that they have not violated any of the provisions of this chapter or of the state liquor laws since the license was granted.
- (4) Disclose any additional information that the director may require.

(b) *Transfer requirements.* The applicant for transfer shall comply with all requirements for an original license issued under this chapter at the proposed location. A licensee whose license has been surrendered, canceled or not renewed as a result of the transfer of the real property, where the premises is located, to an entity that has the power of eminent domain, and the licensee files an application for a new license within 12 months from the date of the transfer of the real property shall be exempt from the requirements of section 10-211. The director shall investigate the application to determine whether the applicant has met all the qualifications and requirements for the issuance of a license for the proposed premises.

(c) *Disapproval of application for transfer.* The director may also disapprove an application for transfer of the business of a licensee whenever the licensed business is under citation by the city or the state department of liquor control, and the matter has not yet been fully adjudicated. An applicant for a transfer whose application has been disapproved may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter.

**Sec. 10-266. Change in ownership of business.**

(a) Any person intending to acquire any ownership interest in an existing business licensed under this chapter that is owned by an individual, partnership or limited liability company, as distinguished from a corporation, and any person intending to acquire 10 percent or more ownership in a corporation that is a sole owner, a partner or member in a limited liability company that owns an existing business licensed under this chapter shall not acquire ownership in the business or participate in management or control of the business without first obtaining an approval therefor from the director. The owner of an existing business licensed under this chapter shall not allow a person to acquire ownership in the business or participate in the management or control of the business without first obtaining an approval therefor from the director.

(b) Any person intending to acquire any ownership interest in an existing business licensed under this chapter that is owned by an individual, partnership or limited liability company, as distinguished from a corporation, and any person intending to acquire 10 percent or more ownership in a corporation that is a sole owner, a partner or member in a limited liability company that owns an existing business licensed under this chapter shall make application therefor to the director, in writing, and under oath and shall pay an application fee of \$250.00 to the city treasurer to defray the cost of investigation and the application process. The application fee is not refundable.

(c) The application form and process for a change in ownership of a business licensed under this chapter shall follow all of the provisions contained in this chapter that apply to an application for an original license except that the requirements that pertain to density and distance from churches and schools shall not apply so long as the business under the new owner(s) will be operated at the same location.

(d) The requirements that pertain to location, as outlined in sections 10-211, 10-212 and 10-214 of this chapter, shall not be applied to a change in ownership of a business if the change in ownership does not amount to a change in the control or majority ownership of the business, or if the business meets the following requirements:

- (1) The type of business, including but not limited to a restaurant, tavern, hotel, bowling alley, grocery store, convenience store, remains the same as before the transfer and as previously approved by the director;

- (2) The classification of liquor license(s), as outlined in article III of this chapter, remains the same as the liquor license(s) as before the transfer and as previously approved by the director;
- (3) The type of live entertainment remains the same as the type of live entertainment before the transfer and as previously approved by the director, and the frequency of such live entertainment does not increase.

(e) As a condition precedent to the approval of an application for the change of ownership in an existing business licensed under this chapter that is owned by an individual, partnership or limited liability company, as distinguished from a corporation, and any person intending to acquire 10 percent or more ownership in a corporation that is a sole owner, a partner or member in a limited liability company that owns an existing business licensed under this chapter, the existing owner of the business shall furnish to the director the following information:

- (1) A written notice of intention to sell or transfer ownership in the business prior to the closing date of the change of ownership of the business, and
- (2) An affidavit disclosing the names of the prospective new owner(s), the names and addresses of creditors of the licensee who are wholesale suppliers of alcoholic beverages, and stating that all the creditors have been notified in writing, by registered mail, or that the creditors have been personally served with notice of any proposed change in ownership.

(f) If upon investigation, the director verifies and is satisfied with the information presented, and if the applicant for the new license has complied with and met all of the applicable requirements of this chapter, then the director may issue a license to the new owner.

(g) If all of the applicable requirements, the investigation process, and approval of the change of ownership of an existing business licensed under this chapter are not complete by the time that the existing license is up for renewal, then the applicant shall be required to meet all of the requirements of this chapter for an original license including the location requirements in section 10-212 unless the existing licensee renews the license for the next license year under all of the requirements for renewal under this chapter including the specified time periods.

(h) The director may refuse to approve or may delay the approval of an application for change of ownership of the business if the applicant or licensee is under citation by the city or by the state department of liquor control, if an alleged violation or matter has not yet been finally adjudicated, if the licensee is under an administrative suspension or revocation ordered by the state or the city's director or board, if the director determines that the change in ownership of the business occurred without notifying the director in the manner provided in this section, or if the licensee or the applicant, as the case may be, is not eligible under the provisions of this chapter. If the director disapproves the application, then the applicant may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter.

(i) Any application or request for approval of a change in the ownership of the business which is incomplete for a period of 90 days after the date of filing with the director may be disapproved by the director and the applicant may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter.

**Sec. 10-268. Continuance of license after partner's withdrawal.**

If one or more members of a partnership having a license for the sale of alcoholic beverages withdraws from the partnership, the director, upon application accompanied by a bill of sale or affidavit of transfer, shall allow the remaining partner(s) originally licensed to continue operation under the original license for the remainder of the period for which the licensee fee has been paid, and shall allow the remaining partner(s) to apply for renewal of the license in the name(s) of the remaining partner(s).

**Sec. 10-269. Change in ownership of previously licensed premise.**

(a) Any person may apply for and receive the same type of liquor license or permit for a business that was previously licensed under this chapter provided the new business will be located at the previously licensed premise, and the application is submitted within three months of the date the license was surrendered, became null and void, or expired for sales-by-package licenses and within one year of the date the license was surrendered, became null and void, or expired for all other licenses and permits.

(b) A liquor license for a change in ownership of a previously licensed business will only be issued if the applicant submits a deed of ownership or a current lease stating the applicant can legally operate a business at the previously licensed premise and submits documentation that the previous licensee no longer has a legal right to operate or be on the property.

(c) The application form and process for a change in ownership of a previously licensed business licensed under this chapter shall follow all of the provisions contained in this chapter that apply to an application for an original license which include successful completion of the mandatory six month probation period.

(d) The requirements that pertain to location, as outlined in sections 10-211 of this chapter, shall not be applied to a change in ownership of a previously licensed premises, as long as the new business meets the following requirements:

- (1) The type of business, including but not limited to a restaurant, tavern, hotel, bowling alley, grocery store, or convenience store, remains the same as before the change in ownership and as previously approved by the director;
- (2) The classification of liquor license(s), as outlined in article III of this chapter, remains the same as the liquor license(s) as before the change in ownership and as previously approved by the director;

- (3) The type of live entertainment remains the same as the type of live entertainment before the change in ownership and as previously approved by the director, and the frequency of such live entertainment does not increase;
- (4) The application is submitted within six months of the date the license was surrendered, became null and void, or expired for sales-by-package licenses and within one year of the date the liquor license or permit was surrendered, became null or void, or expired for all other licenses and permits.

(e) If upon investigation, the director verifies and is satisfied with the information presented, and if the applicant for the new license has complied with and met all of the applicable requirements of this chapter and the state statutes, then the director may issue a license or permit to the applicant.

(f) The director may refuse to approve or may delay the approval of an application if the applicant is under citation by the city or by the State of Missouri Division of Alcohol and Tobacco Control, if an alleged violation or matter has not yet been finally adjudicated, if the applicant is under an administrative suspension or revocation ordered by the State of Missouri Division of Alcohol and Tobacco Control or the city's director or board, if the existing business or if the applicant or any person as defined in this chapter or such a person's immediate family member that has ownership interest in the new business has had multiple citations for violations of Missouri state statutes or city ordinances involving alcoholic beverages within the past five years, or if the applicant is not eligible under the provisions of this chapter. If the director disapproves the application, then the applicant may file a written request for a hearing before the board in the manner provided in Section 10-62(a) of this chapter.

(g) Any application or request for approval which is incomplete for a period of 90 days after the date of filing with the director may be disapproved by the director and the applicant may file a written request for a hearing before the board in the manner provided in Section 10-62(a) of this chapter.

**Sec. 10-270. Change in live entertainment.**

(a) A licensee intending to provide an additional type of live entertainment not identified on their last application or application for renewal, or to increase the frequency of live entertainment at an existing business licensed under this chapter shall not allow or provide the new or additional live entertainment on the licensed premises without filing a new application with the director describing the live entertainment.

(b) A licensee intending to modify their live entertainment shall not be required to submit a new application and the director shall not be required to review the new proposed live entertainment to determine if it is likely to interfere with or be detrimental to the rights or interests of the neighboring community if the live entertainment does not occur on more than 2 days in any given 30 day period other than the month of December and if the live entertainment does not occur more than eight times within the month of December.

**Sec. 10-312. Special regulations for certain premises**

Nothing in this article shall be construed as to prevent any hotel or motel operator, or private club, from serving any alcoholic beverage to any guest, including registered guests, in or occupying any room of a hotel, motel or private club, if the alcoholic beverage served is kept in or served from a licensed location, place or premises in the establishments.

**Sec. 10-313. Limitation on number of licenses for single premises.**

If any retail licensed premises has multiple licenses for separate businesses in the same building, then the building shall be partitioned in a manner that the partitions run from the front of the building to the rear of the building, from the ceiling to the floor and be permanently affixed to the ceiling, floor, front, and rear of the building in a manner as to make two separate and distinct premises. Each premises shall have a separate entrance in front and different street addresses, so as to indicate sufficiently that the businesses are run separately and distinct from each other. In addition, the business maintained on each of the premises shall be manned and serviced by an entirely separate and distinct group of employees and there may be no buzzers, bells, or other wiring or speaking system connecting one business with the other. Separate files, records, and accounts pertaining to the businesses are to be maintained.

**Sec. 10-314. Reserved.**

**Sec. 10-332. Restrictions and prohibited acts by all retail licensees.**

(a) *Sales to minors or intoxicated persons.* No retail licensee, nor employee of the licensee, shall allow any alcoholic beverages to be sold, given or otherwise supplied upon the licensed premises to any person who is under of 21 years of age, or to a habitual drunkard, or to any person who is intoxicated or who is actually or apparently under the influence of alcoholic beverage.

(b) *Consumption by minors.* No retail licensee, nor employee of the licensee, shall allow any person under 21 years of age to consume alcoholic beverages upon the licensed premises.

(c) *Sale for off-premise consumption.* No retail licensee or employee of the licensee shall sell any alcoholic beverage that is not in the original package for off-premise consumption, unless it is contained in

- (1) a growler as outlined in Section 10-337; or
- (2) a rigid, durable, leak-proof, sealable container, that:
  - a. does not exceed 128 ounces;
  - b. is designed to prevent consumption without removal of the tamperproof cap or seal;

- c. is affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three millimeters in height and not more than twelve characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL.";
- d. does not have a lid with sipping holes or openings for straws;
- e. is tamperproof, in that it is either placed in a one-time-use, tamperproof, transparent bag that is securely sealed, or, is sealed with tamperproof tape;
- f. is not mixed, poured or served across the bar by a person 18—20 years of age in accordance with sections 10-339 and 10-373; and
- g. is ordered simultaneously with a meal, meaning food that has been prepared on premises.
- h. For the purposes of this section, tamperproof means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.(3) nothing in this section shall be construed as permitting the sale of any alcoholic beverage not permitted under the premises license.

(d) *Serving or delivering in vehicles.* No retail licensee, nor employee of the licensee, shall sell or serve any alcoholic beverage to any person while the person is operating or is a passenger in or on any motor vehicle.

(e) *Prostitution.* No retail licensee, nor employee of the licensee, shall allow upon the licensed premises any act of prostitution as defined in the prostitution chapter of the Missouri Criminal Code, including the solicitation for prostitution.

(f) *Unauthorized sale of property.* No retail licensee, nor employee of the licensee, shall allow any person to offer for sale or sell any personal property upon the licensed premises unless the sale of the property has been authorized by the licensee or the manager or person in charge of the licensed premises.

(g) *Disorderliness, indecency or obscenity.* Upon the licensed premises, no retail licensee, nor employee of the licensee, shall:

- (1) Fail to immediately prevent or suppress any violent quarrel or disorder, brawl, fight or any other act or conduct prohibited or declared to be unlawful by this chapter.
- (2) Allow language, conduct or songs calculated to provoke a breach of the peace, or obscene literature, entertainment or advertising material.

- (3) Allow any employee, entertainer or customer to perform a dance of any kind upon a bar, table or any other place used for serving food or beverages.
- (4) Allow any person to be unclothed, or in less-than-opaque attire, costume or clothing, so as to expose to view the top of the areola, or any combination of the foregoing, or human male genitals in a discernibly erect state, even if completely and opaquely covered.
- (5) Allow the performance of any acts of sexual conduct, including actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of the female; or any sadomasochistic abuse or acts including animals or latent objects in an act of apparent sexual stimulation or gratification, as the terms are defined in the pornography and related offenses chapter of the Missouri Criminal Code.
- (6) Allow the display of films or videotapes showing persons unclothed as described in subsection (g)(4) of this section, or allow the display of pictures, films, videotapes or other material depicting acts prohibited by subsection (g)(5) of this section.

(h) *Storing off-licensed premises.* No retail licensee shall store any alcoholic beverage off or outside of the licensed premises unless written request is filed with the director, and written approval is issued by the director; except that a licensee may store alcoholic beverages in a bonded warehouse or central warehouse, if the licensee has first notified the director in writing of their intention to do so.

(i) *Unlicensed beverages on premises.* No retail licensee, nor employee of the licensee, shall allow upon the licensed premises any alcoholic beverages except the types the licensee is licensed to sell upon those premises.

(j) *Illegal drugs.* No retail licensee, nor employee of the licensee, shall possess, store, sell or offer for sale, give away, distribute or deliver any controlled substance or illegal drug or narcotic, as defined in the Missouri Comprehensive Drug Control Act, or similar statutes, upon the licensed premises, nor shall any licensee or employee allow any other person to engage in any of these acts upon the licensed premises.

(k) *Illegal gambling.* No retail licensee, nor employee of the licensee, shall participate or engage in illegal gambling or violate any federal or state laws in connection with gambling, upon the licensed premises, nor shall any licensee or employee allow any other person to engage in any of these acts upon the licensed premises.

(l) *Illegally purchased alcoholic beverages.* No retail licensee, nor employee of the licensee, shall allow on or about the licensed premises any alcoholic beverage which they have purchased or secured in violation of any city ordinance, or local, state or federal law.

(m) *Entertainment on premises.* No retail licensee nor employee of the licensee shall allow on or about the licensed premises:

- (1) Any type of live entertainment unless the neighbor notification requirement, as outlined in chapter 10-214, has been met and the application has been approved by the director. The term live entertainment, as used in this chapter, shall include but shall not be limited to a dance hall, DJ, two or more live musicians, seminude dancing, stage show, floor show or contest. Any form of entertainment, live exhibition, performance or dance characterized by exposure of specified anatomical areas as that term is defined in section 80-20, or dance performed by a performer who is nude behind an opaque barrier, shall be prohibited unless the licensed location first complies with the zoning requirements set forth under section 80-156.
- (2) Any type of entertainment unless the application has been approved by the director. The term "entertainment," as used in this chapter, shall include but shall not be limited to jukeboxes, pool tables, dart boards, video games, pinball machines or any other amusement device operated by the insertion of a coin, disc or other insertion piece.

(n) *Employees dancing on premises.* Upon the licensed premises:

- (1) The dancer may perform a dance for a customer or customers but shall not intentionally touch any customer while performing a dance.
- (2) The dancer shall not receive any payment or gratuity from any customer unless the payment or gratuity is placed into the dancers' hand or under a leg garter worn by the dancer located at least four inches below the bottom of the pubic region.
- (3) No dancer shall dance with any customer.
- (4) No dancer shall sit at a table or the bar with any customers.
- (5) No customer shall knowingly or intentionally touch any dancer.

(o) *Multiple business names posted on one licensed premises.* Multiple business names may not be posted on the exterior of a licensed premises unless:

- (1) There is a separate entrance into the licensed premises for each different business name that will be posted, and;
- (2) The original business name is included as part of any new business name and the size of the lettering of the business name is uniform on any interior or exterior sign that will be posted throughout the licensed premises, and;

- (3) There must be open public access throughout the entire licensed premises where there are no closed doors or other physical barriers that separate the licensed premises in any way. However, it is permissible to keep any part of the licensed premises closed when it is not in use.

(p) *Nuisances.* No retail licensee or employee of the licensee shall cause a nuisance to or change in character of any residential area or the immediate area surrounding the licensed premises. Nuisances may include but will not be limited to noise, traffic and parking associated with the operation of the premises from patrons or other persons frequenting the premises.

(q) *Lewd and indecent conduct.* No retail licensee, nor employee of the licensee, shall allow lewd and indecent conduct on or within the immediate vicinity of the licensed premises. Lewd and indecent conduct may include but will not be limited to public urination exhibited by persons frequenting the licensed premises or by the licensee or their employees, servants or agents.

(r) *Compliance with law.* No retail licensee, nor employee of the licensee, shall participate in or permit the violation of any federal, state, or local rule or regulation upon the premises.

### **Sec. 10-333. Hours, days of sale for all retail licensees.**

(a) *Hours, days of sales.* No retail licensee, nor employee of the licensee, shall sell, give away or otherwise dispose of any alcoholic beverages or suffer the same to be done on or about the licensed premises between the hours of 1:30 a.m. and 6:00 a.m.

(b) *Exceptions.*

(1) A person holding a valid license or permit pursuant to the provisions of sections 10-104, 10-105, 10-106, 10-107, or 10-108 may be open for business in accordance with the provisions of the license or permit.

(2) When January 1, March 17, July 4 or December 31 falls on a Sunday, and on the Sundays prior to Memorial Day, Labor Day and on the Sunday on which the national championship game of the national football league is played, commonly known as "Super Bowl Sunday," any person having a license to sell alcoholic beverages by the drink may be open for business and sell alcoholic beverages by the drink under the provisions of their current license.

(c) Whenever hours of time are set forth in this chapter, they shall be interpreted to mean clock time which shall be either Central Standard Time or Central Daylight Time, whichever is then being observed.

### **Sec. 10-337. Package sales licenses; prohibitions and requirements.**

(a) No package sales licensee, nor employee of the licensee, shall permit any person to consume alcoholic beverages upon the licensed premises unless such licensee also has a tasting license or sales-by-drink license pursuant to sections 10-114 or 10-102.

(b) No package sales licensee without a sales-by-drink or tasting license, nor employee of the licensee, shall sell, dispense or give away any alcoholic beverages upon the licensed premises except in the original package unless:

- (1) *Authorized to sell Growlers.* Any person who is licensed to sell intoxicating liquor in the original package at retail may sell between thirty-two and sixty-four fluid ounces of craft draft beer to customers in a container or growler filled by any employee of the retailer on the premises for consumption off such premises. No vessel or container manufactured for and previously used to store or transport any product or liquid other than craft beer filled pursuant to this section shall be used as a growler. The only draft beer that can be sold is that which comes from a craft brewery which has an annual production of less than six million (6,000,000) barrels. Any employee of the licensee shall be at least twenty-one years of age to fill containers with draft beer.
- (2) *Containers and Labeling for Growlers.* Containers that are filled or refilled of draft beer as outlined in this section shall be affixed with a label or a tag that shall contain the following information in type not smaller than three millimeters in height and not more than twelve characters per inch:
  - a. Brand name of the product dispensed;
  - b. Name of brewer or bottler;
  - c. Class of product, such as beer, ale, lager, bock, stout, or other brewed or fermented beverage;
  - d. Net contents;
  - e. Name and address of the business that filled or refilled the container;
  - f. Date of fill or refill;
  - g. The following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."
- (3) *The Filling of Containers with a Tube.* The filling and refilling of containers by a retailer or its employees shall only occur on demand by a customer and containers shall not be prefilled by the retailer or its employee.

- a. Containers shall be filled or refilled from the bottom of the container to the top with a tube that is attached to the malt beverage faucet and extends to the bottom of the container or with a commercial filling machine.
- b. A different tube from the container shall be used for each filling or refilling of a container
- c. When not in use, tubes to fill or refill shall be immersed and stored in a container with liquid food-grade sanitizer.
- d. After filling or refilling a container, the container shall be sealed.

(c) No malt liquor package sales licensee, nor employee of the licensee, shall possess or permit alcoholic beverages, other than those allowed for sale by the license, upon the licensed premises.

(d) A package sales licensee whose place of business remains open on days or during the hours when the sale of alcoholic beverages is prohibited by section 10-333 shall, during the times as sale is prohibited, segregate alcoholic beverages in a storage space inaccessible to the public, or cover or enclose alcoholic beverages by means of a slip cover constructed from substantial material and secured in a manner whereby the public shall not have access.

(e) No package sales licensee, nor employee of the licensee, shall sell or give away any drug, or controlled substance to any person, provided that nothing in this section shall prohibit the licensee, any of its employees or any other person from possessing or using a drug, medicine or controlled substance in a lawful manner, provided that this shall not apply to a licensee lawfully doing business as a pharmacy duly licensed under state or federal law or a licensee with an average of 80 percent or more of its total gross receipts from nonalcohol and nondrug sales.

**Sec. 10-341. Reserved.**

..end

---

Approved as to form and legality:

---

Emalea Black  
Assistant City Attorney

No  
Fact  
Sheet  
Provided  
For  
Ordinance  
210961

# RICHARD T. BRYANT & ASSOCIATES, P.C.

A T T O R N E Y S   A T   L A W

HARZFELD'S BUILDING  
1111 MAIN STREET, SUITE 750  
KANSAS CITY, MISSOURI 64105

PHONE (816) 221-9000  
FACSIMILIE (816) 221-9010  
E-MAIL: DICK2479@aol.com

November 1, 2021

Ms. Monica Sanders, Chief Deputy City Clerk  
City Hall, 22nd Floor  
414 E. 12th Street  
Kansas City, MO 64106

SENT VIA USPS & EMAIL

Re: Ordinance 210961

Dear Ms. Sanders:

Chapter 10 of the Kansas City Code of Ordinances came under fire several months ago, in part when there was a challenge to the process of securing consents from individuals in close proximity to a proposed location to be licensed. It's long been recognized that a person or entity could block the issuance of a liquor license if the applicant did not agree to unreasonable demands of a neighboring property owner on such matters as the brand of liquor to be carried or the hours of operation which were different than neighboring business, especially in the area immediately south of the "downtown loop". While the process of securing consents is often difficult, it has also fostered dialog between individuals who might be affected by businesses and the business operator. Rather than making minor tweaks to the consent process, the city elected to make sweeping changes to the Chapter which will hinder development, allow for arbitrary and capricious interpretation of the Chapter and license approval, and ultimately lead to litigation with allegations of violations of constitutional protections based on protected classification as well as arbitrary and capricious interpretation of a standardless Code.

It has always been the contention of some that there are liquor stores "on every corner" in some parts of the city. That contention is just not true. The provisions of Section 10-211(density) and 10-214 (consents) date back to ordinances passed as early as February 22, 2000. Density restrictions limit the number of liquor licensed locations based on the number of individuals living within a defined area. Not only must an operator have met density requirements when they have applied in the past, but then if there was a determination that the population basis permitted an applicant to proceed with the filing of an application, the applicant could not be granted a license until obtaining neighboring property approval. While the number of consents required has changed over the years, the consent of those arguably most impacted, has to be obtained.

It is interesting to note that provisions as to density have triggered exceptions over the years. Broad sweeping restrictions as to density have from time to time been unsuitable or unreasonable in various parts of the city. That said, I would suspect that if the manager of regulated industries was asked to conduct a study as to "over density" areas, after elimination of the exempted areas, over density locations would constitute less than a dozen areas within a city of 319 square miles.

ANDREW S. TALGE  
Licensed in Kansas, Missouri  
andrewtalge@gmail.com

RICHARD T. BRYANT  
Licensed in Iowa, Kansas,  
Missouri, Washington, D.C.,  
Superior Court of the U.S. Virgin Islands  
DICK2479@aol.com

The provisions of the newly proposed ordinance were in theory approved by the ABAG committee members. In reality, meetings were called on an emergency basis so frequently that the members undoubtedly felt like their positions had become a full-time job. Often the meetings were announced with short notice, and without a doubt, participation of members diminished over time, to the point that quorums were barely established. Often members would miss a meeting then return for a later meeting only to learn that an objectionable section had been approved in their absence. The role of the ABAG members was not an advisory role, but rather they were presented with language by the city attorney's office and told what particular language was drafted and what was to be approved. Remember, the role of ABAG is advisory, so even if all the ABAG members had been present for every meeting and voted no, or suggested language that was contrary to that being suggested, their opinion would not carry the day. Interestingly there is language included in the proposed new Chapter 10 that even Jim Ready, the person charged with making standardless decisions about licensing, disagrees with. Even his opinion was disregarded.

One of the interesting changes to the new ordinance is the decision to change the definition of a restaurant. Historically, a business that had over \$200,000.00 in food sales has been classified as a restaurant. Now, for a new business to be classified as a restaurant, that business will have to sell over 50% of its total consumable items in the form of food prepared and consumed on the premises. I read the ordinance to say that venues currently licensed as restaurants will not have to meet that standard, but new venues will have to meet that requirement. Why the increase? What is the overwhelming governmental interest?

On information and belief, venues like The Well, Lews, McFaddens or Granfalloon...all now restaurants...will continue to be treated as restaurants. If the operator of those businesses decided they wanted to open a similar business a block away from their existing business and sales turned out to be 49.5% food and 50.5% liquor, then the business would be classified as a tavern. Why is this important?

Well initially the city might determine that this business with \$499,000.00 in food sales and \$500,000.00 in liquor sales can't remain because there are too many taverns in the density area. The operator faces the loss of his multi-million-dollar investment in the community. Second, the classification of a business as a restaurant substantially reduces the cost of liability insurance for an operator versus what is charged for a tavern. Often, taverns cannot even secure coverage due to underwriting concerns or costs. Third, it impacts the ability for some residents to enjoy the venue. Under Missouri law anyone of any age can go into a tavern. Under the city ordinances a minor can only go into a tavern accompanied by a parent or "legal guardian". That means that if your children have friends over and you all decide you want to go to "McFaddens II" for a burger, your children's friends can't go. You're not their parent or guardian. What about prom night? You're all dressed up and now you get to go to McDonalds rather than "The Well #2", because they were \$1.00 below that 50/50 threshold now contemplated by the city. They could however go to McFaddens I or "The Well I". Does that make sense? Leave the criteria alone. A business that does \$200,000.00 should be deemed a restaurant.

I have been representing regulated industry clients for 45 years. I have a pretty good working knowledge of licensing here in Kansas City. The majority of licensing is not for new venues, but rather businesses where there is a change of ownership. The city now will ignore the complexity of these types of transactions. Generally, the sale of land and a convenience store business located on that land runs

between \$1,000,000.00 and \$3,000,000.00. Normally the land is purchased by one entity and operated by a separate entity for a variety of reasons. Sections 10-212 and 10-214, as proposed, work to the detriment of any person or entity that wants to sell or buy a business in the city.

Consider the complexity of such a transaction. First there is the always complicated process of the buyer and seller agreeing on a price. Next, there is the issue of financing the real estate transaction and trying to establish a closing date. Most buyers and sellers like to close within 45 to 60 days of their contract execution. The lender must weigh in on a variety of issues including quite often Phase I and Phase II environmental studies. The title company may want a survey and the company buying the business must coordinate with the seller on choosing an inventory company and scheduling a day for inventory count. Right now we can generally choose a date 45 to 60 days out, knowing a state application for liquor can be approved within 10 days and knowing that if we push hard enough the city will approve the license transfer close to the date chosen.

Now there is a new proposal. First, ignore the complexities of the transactions. The city has legislatively determined that all liquor licensed businesses are presumptively detrimental to a community. If you are a business, not in an exception area, and want to have a restaurant 100 feet from a church, you are the evil new neighbor. In a recent licensing project, Tailleur Restaurant (Taylor) at 39<sup>th</sup> and Main had the overwhelming support of the church community and the city was provided with several letters and emails of support until the regulated industries division ultimately accepted the application and then issued consents. Think about where the majority of licensed venues are located. Operators want to be close to customers (residential zones). They don't want to be in the middle of an industrial area, toxic waste site, corn field...they want to be in an area zoned for commercial uses as a restaurant or other licensed venue, and by city land use design, the vast majority of those areas are within 300 feet of a residence, church or school. Identifying facilities as a church has also been problematic in strip malls where a site is identified as a church, but which has virtually no congregation, blocking a CVS, grocery store or restaurant from having a liquor license.

When I drive down Wornall Road towards downtown, I look at the number of tattoo parlors, CBD stores, thrift shops, free phone stores and payday loan stores...and I wonder how none of these non-regulated businesses have been determined by the city to be "not detrimental to the neighboring community" but CVS, Walgreens, Corner Cocktail and Tommy's the Happy Place are evil and detrimental to the neighborhood. For that matter, did you know that regulated industries regulates smoke shops and tobacco stores. Don't those stores contribute to lung cancer and other health issues? They can be side-by-side...and on every corner...with the operator only required to pay the city regulated industries division ONE DOLLAR annually. How is a business that contributes to lung cancer not detrimental to the neighboring community?

Now to the problem of selecting a closing date on the transaction. Not only do you have the very real issues identified above between buyer and seller, but now the neighbors get to weigh in and nothing can happen for a minimum of 45 days from when a notice is sent by the city, 15 days after an application is processed by the city, which is generally 5 days after submission. Now, the manager of regulated industries, after the passage of all this time, gets to look at a magic 8 ball to decide whether a license will issue or not.

Under the proposed ordinance, the city sends out a form to the persons who used to be identified as eligible consenters. For purposes of your consideration, let's presume the city identifies that there are 40 eligible consenters. Under the current process, an applicant would be required to obtain 21 consents to move forward with their licensing of a NEW LOCATION. Now, whether you are a new location, a previously licensed location, a location seeking to add a patio or second floor or for that matter selling 49% of your member units to you cousin, brother, sister or best friend, the neighbors get a say some 60-75 days after your application is dropped off. Worse yet, if the city sends out 40 notices and one or two people send back their form saying they don't favor the licensing, the manager of regulated industries gets to decide if the applicant prevails or the neighbors rule the day after considering standardless, ambiguous provisions included in the new code.

We know historically that people just don't return consents when they are in favor of a project. The Capitol Grill project on the Plaza is a past example. Now, the licensing for First Watch in Westport is another example. Attempts to get consents by mail for something as non-controversial as First Watch just didn't work. Instead, I ended up going door to door talking with the consenters who in many instances said they had the form on their desk or somewhere in their mail and thought it was fantastic...they just hadn't got around to sending it back. In a licensing project in the north part of town, a concerned citizen, not within the consent zone, protested that a liquor license should not be issued to a location because her parents were buried across the street, and they would not want their final resting spot near a licensed location.

It is not 50% of the eligible consenters who give the supervisor input (which in fact was what the manager of regulated industries proposed), it is 50% of the responding consenters that dictate review of the proposed licensing. Having no clear, unambiguous standards to guide him, the manager now gets to decide whether the license gets approved. Have no fear, if the application is denied, the applicant can appeal to the Liquor Control Board of Review, which has NEVER voted to overturn a decision of the liquor division. By this time, the multi-million-dollar sale has become null and void as the due diligence period has long passed and the closing date has passed. Worse yet, this not only applies to a new license, or a sale of a business, it also applies to any change in membership of your LLC or shareholders of your corporation. So, in the case of the sale of my stock in my restaurant to my children, the neighbors could send back just one or two letters of objection and derail my estate and business planning. Keep in mind that at the state level, a change in ownership of less than 50% is merely a no-charge notification to the state, not a complex licensing project as contemplated by the city.

Can you imagine a person running unopposed for city council in a district with 20,000 voters and telling the votes to send back the card saying yes or no and 5 people respond saying no, we don't want you. Now another person relying on no articulated standards gets to decide if the unopposed council candidate gets to be a council member. Have no fear, if they say no too, even though 19,995 voters didn't respond at all, you can always resort to relief from the courts.

If you feared going to court over Tom's Town, rest assured that the first time one of my American clients of middle-east descent, or one of my Asian descent clients, or one of my black clients, or yes, even one of my white clients is denied a license we will be visiting this denial in US District Court where the manager of regulated industries will be explaining how he makes decisions using the magic 8 ball or ouija board, with provisions that make any applicant have to guess if their license will be approved or not.

There are a score of provisions that are just unconstitutional on their face, as they may be applied, and void for vagueness. For instance, 10-261 which provides: *Disapproval of application to renew*. The director shall disapprove an application for renewal of any license or permit on the following grounds:

“If any renewal application contains information which does not justify renewal.”  
What does that mean?

Section 10-266 treats LLC’s and corporations differently. Equal protection issues? I believe so.

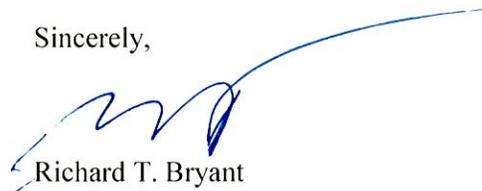
Section 10-266(d)(3)—frequency of entertainment is subject to approval by the liquor supervisor. So if I have live performances 2 days a week and want to go to 3 days a week the supervisor gets to weigh in with a yes or no---there is a clear First Amendment violation

There is also the issue of there being no time period established for the manager to make a decision on an application. A completed application could sit on the manager’s desk for weeks if the manager was just unwilling to act on an application. That is also a constitutional deficiency, along with the absence of clear standards and criteria that allow an applicant to determine in advance whether a license application will be approved. When people of common intelligence must guess as to the meaning and application of an ordinance, that ordinance is susceptible to challenge. Finally, there is some relevancy to the Missouri doctrine of permitted continued use of property, free from governmental interference.

This ordinance, as proposed, should be tabled or voted down by committee. If the city truly wants to look at Chapter 10, then a task force made up of experienced individuals should look at the provisions with true participation from neighborhoods, those of us who actually do licensing, license holders and regulated industries and perhaps something less objectionable can be achieved. That is not what ABAG was allowed to do and comment from non-members in meetings fell on deaf ears resulting in this proposed ordinance that will result in judicial challenge.

Thank you for your consideration of these matters.

Sincerely,



Richard T. Bryant  
For the Firm