



## **Agenda**

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

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

---

**Wednesday, December 1, 2021**

**1:30 PM**

**26th Floor, Council Chamber**

---

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

#### **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>

#### **Bough**

**[211025](#)**

Amending Ordinance Nos. 051411, 051412, and 051413 by repealing and reenacting Section 1 of each for the purpose of revising the types of businesses eligible for Enhanced Enterprise Zone incentives; and directing the City Manager to notify the Department of Economic Development of this Ordinance.

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

#### **Hall**

**[211033](#)**

RESOLUTION - Amending the Shoal Creek Valley Area Plan by amending the Proposed Land Use Plan and Map for a 3.25 acre tract of land generally located on the north and east sides of N. Flintlock Road, south and west of N.E. 76th Street, (7535 N. Flintlock Road) by changing the recommended land use designation from "Mixed Use Community" to "Commercial". (CD-CPC-2021-00144)

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

**Hall**

- [211034](#) Rezoning an approximately 3.25 acre tract of land generally located on the north and east sides of N. Flintlock Road, south and west of N.E. 76th Street, (7535 N. Flintlock Road) from B2-2 to MPD and approving a development plan for a parking facility for the same. (CD-CPC-2021-00143).

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

**Hall**

- [211035](#) Vacating a portion of N.E. 76th Street generally located west of N. Flintlock Road in Kansas City, Clay County, Missouri; retaining an easement; and directing the City Clerk to record certain documents. (CD-ROW-2021-00032)

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

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](#)

- [210900](#) Amending the Midtown Plaza Area Plan by changing the recommended land use from Residential Medium Density to Residential High Density on about .22 acres, generally located at 3933 Kenwood Ave, to allow for the development of three triplexes. (CD-CPC-2021-0012)

**Attachments:** [CD-CPC-2021-00120 FactSheet](#)

[210901](#) Rezoning an area of about .22 areas generally located at 3933 Kenwood Avenue from R-5 to R-1.5 to allow for the development of three triplexes. (CD-CPC-2021-00119)

**Attachments:** [CD-CPC-2021-00119 FactSheet - Copy](#)

**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](#)

**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](#)

[Public Testimony Fwd Liquor Ordinance Revisions Tavern v Restaurant-Bar](#)

[Public Testimony - Richard T Bryant 2nd Letter](#)

### Shields

#### 211016

Approving an Industrial Development Plan for Fidelity Security Life Insurance Company, Inc., a Missouri insurance company, and its affiliates or designees, for the purpose of acquiring, equipping and constructing a project for industrial development consisting of the construction, improvement and renovation of a headquarters facility for Fidelity Security Life Insurance Company, Inc., a Missouri insurance company, and its affiliates and designees, located at the intersection of 27th Street and Grand Boulevard in Kansas City, Missouri; authorizing and approving various agreements for the purpose of setting forth covenants, agreements and obligations of the City and Fidelity Security Life Insurance Company, Inc., and its affiliates or designees; authorizing the issuance of taxable industrial development review bonds in a maximum aggregate principal amount not to exceed \$84,000,000.00; authorizing and approving certain other documents; and authorizing certain other actions in connection with the issuance of said bonds.

**Attachments:** [No Fact Sheet](#)  
[211016 Fiscal Note](#)

### 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.



---

**File #:** 211025

---

ORDINANCE NO. 211025

*Amending Ordinance Nos. 051411, 051412, and 051413 by repealing and reenacting Section 1 of each for the purpose of revising the types of businesses eligible for Enhanced Enterprise Zone incentives; and directing the City Manager to notify the Department of Economic Development of this Ordinance.*

WHEREAS, the City Council previously determined that it is proper and fitting to establish enhanced enterprise zone programs and designated three Enhanced Enterprise Zones to provide certain incentives for businesses to locate or expand in the designated zone; and

WHEREAS, in compliance with to Section 135.950.9(b), RSMo, the City in Ordinance Nos. 051411, 051412, and 051413 identified the types of businesses eligible for state and local incentives; and

WHEREAS, the City Council believes the greatest benefit to the City results from Enhanced Enterprise Zone incentives granted to businesses that generate job growth in the City; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section A. That Ordinance No. 051411 is hereby amended by repealing Section 1 and enacting a new Section 1 in its place, to read as follows:

Section 1. That the Council hereby identifies the following types of businesses as eligible for state and local incentives under Senate Bill No. 1155 in Enhanced Enterprise Zone 2 NAICS Sector Name:

- Construction (23)
- Manufacturing (31-33)
- Wholesale Trade (42)
- Transportation & Warehousing (48-49)
- Information (51)
- Finance & Insurance (52)
- Professional & Technical Services (54)
- Enterprise Management (55)
- Administrative, Support, Waste Management & Remediation Services (56)
- Arts, Entertainment, and Recreation (71), not including gaming.
- Other Services (81)
- Real Estate, Rental & Leasing (53), not including Industry 531110, Lessors of Residential Buildings and Dwellings

Health Care & Social Assistance (62)

Section B. That Ordinance No. 051412 is hereby amended by repealing Section 1 and enacting a new Section 1 in its place, to read as follows:

Section 1. That the Council hereby identifies the following types of businesses as eligible for state and local incentives under Senate Bill No. 1155 in Enhanced Enterprise Zone 2 NAICS Sector Name:

Construction (23)  
Manufacturing (31-33)  
Wholesale Trade (42)  
Transportation & Warehousing (48-49)  
Information (51)  
Finance & Insurance (52)  
Professional & Technical Services (54)  
Enterprise Management (55)  
Administrative, Support, Waste Management & Remediation Services (56)  
Arts, Entertainment, and Recreation (71), not including gaming.  
Other Services (81)  
Real Estate, Rental & Leasing (53), not including Industry 531110, Lessors of Residential Buildings and Dwellings  
Health Care & Social Assistance (62)

Section C. That Ordinance No. 051413 is hereby amended by repealing Section 1 and enacting a new Section 1 in its place, to read as follows:

Section 1. That the Council hereby identifies the following types of businesses as eligible for state and local incentives under Senate Bill No. 1155 in Enhanced Enterprise Zone 2 NAICS Sector Name:

Construction (23)  
Manufacturing (31-33)  
Wholesale Trade (42)  
Transportation & Warehousing (48-49)  
Information (51)  
Finance & Insurance (52)  
Professional & Technical Services (54)  
Enterprise Management (55)  
Administrative, Support, Waste Management & Remediation Services (56)  
Arts, Entertainment, and Recreation (71), not including gaming.  
Other Services (81)  
Real Estate, Rental & Leasing (53), not including Industry 531110, Lessors of Residential Buildings and Dwellings  
Health Care & Social Assistance (62)

Section D. That the City Manager is directed to notify the Director of Economic Development for the State of Missouri of this Ordinance amending the City's approved EEZ industries.

..end

---

Approved as to form and legality:

---

Katherine Chandler  
Assistant City Attorney

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

**211025**



---

**File #: 211033**

---

RESOLUTION NO. 211033

RESOLUTION - Amending the Shoal Creek Valley Area Plan by amending the Proposed Land Use Plan and Map for a 3.25 acre tract of land generally located on the north and east sides of N. Flintlock Road, south and west of N.E. 76th Street, (7535 N. Flintlock Road) by changing the recommended land use designation from “Mixed Use Community” to “Commercial”. (CD-CPC-2021-00144)

WHEREAS, on March 26, 1992, the City Council by Committee Substitute for Resolution No. 920048 adopted the Shoal Creek Valley Area Plan being the Plan for development and redevelopment of that area generally bounded by the corporate limits of Kansas City on the north, Pleasant Valley Road on the south, the corporate limits of Kansas City on the east and N. Woodland Avenue on the west; and

WHEREAS, said Plan has been amended by Resolution No. 931107, adopted October 21, 1993; by Resolution No. 951256, adopted November 9, 1995; by Resolution No. 960508, adopted July 2, 1996; by Resolution No. 971165, adopted September 4, 1997; by Resolution No. 971555, adopted December 18, 1997; by Committee Substitute for Resolution No. 980565, adopted June 25, 1998; by Resolution No. 990157, adopted March 25, 1999; by Resolution No. 991002 adopted August 26, 1999; by Resolution No. 991004 adopted August 26, 1999; by Resolution No. 000154, adopted March 9, 2000; by Resolution No. 000959, adopted August 24, 2000; by Resolution No. 001700, adopted February 15, 2001; by Resolution No. 020055, adopted January 31, 2002; by Resolution No. 021000, adopted September 5, 2002; by Resolution 030267 adopted March 27, 2003; by Resolution No. 040493, adopted May 27, 2004; by Resolution No. 041408, adopted January 13, 2005; by Resolution No. 050112, adopted February 24, 2005; by Resolution No. 051302, adopted November 17, 2005; by Resolution No. 060580, adopted June 15, 2006; by Resolution No. 061077, adopted October 26, 2006; and by Committee Substitute for Resolution No. 071161, adopted December, 6, 2007; and

WHEREAS, an application was submitted by Shooting Star Development, LLC to amend the Shoal Creek Valley Area Plan as it affects a 3.25 acre tract of land generally located on the north and east sides of N. Flintlock Road, south and west of N.E. 76th Street, (7535 N. Flintlock Road) by changing the recommended land use designation from “Mixed Use Community” to “Commercial”; and

WHEREAS, the City Plan Commission considered such amendment to the Proposed Land Use Plan and Map on \_\_\_\_\_, 2021; and

WHEREAS, after all interested persons were given an opportunity to present testimony, the City Plan Commission did on \_\_\_\_\_, 2021, recommend \_\_\_\_\_ of the proposed amendment to the Shoal Creek Valley Area Plan; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section A. That the Shoal Creek Valley Area Plan is hereby amended as to the Proposed Land Use Plan and Map for a 3.25 acre tract of land generally located on the north and east sides of N. Flintlock Road, south and west of N.E. 76<sup>th</sup> Street, (7535 N. Flintlock Road) by changing the recommended land use designation from “Mixed Use Community” to “Commercial”. A copy of the amendment to the Shoal Creek Valley Area Plan is attached hereto as Exhibit A and is incorporated herein by reference.

Section B. That the amendment to the Shoal Creek Valley 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 area plan amendment hereinabove, all public notices have been given and hearings have been held as required by law.

..end

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

**211033**



**File #: 211034**

ORDINANCE NO. 211034

Rezoning an approximately 3.25 acre tract of land generally located on the north and east sides of N. Flintlock Road, south and west of N.E. 76th Street, (7535 N. Flintlock Road) from B2-2 to MPD and approving a development plan for a parking facility for the same. (CD-CPC-2021-00143).

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\_\_\_ rezoning an approximately 3.25 acre tract of land generally located on the north and east sides of N. Flintlock Road, south and west of N.E. 76th Street, (7535 N. Flintlock Road) from B2-2 (Neighborhood Business – 2) to MPD (Master Planned Development), said section to read as follows:

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

All that part of the Southwest quarter of Section 14, Township 51, Range 32, Kansas City, Clay County, Missouri, being bounded and described as follows: Beginning at a point on the North line of the Southwest quarter of said Section 14, being also the Northeast corner of the West one-half of the East one-half of said Southwest quarter, said point being 643.65 feet West of the Northeast corner of said Southwest quarter; thence South 0 degree 39 minutes 10 seconds East along the East line of the West one-half of the East one-half of said Southwest quarter, 25.00 feet to its intersection with the South Right of Way line of N.E. 76th Street, as now established, said point being the True Point of Beginning of the tract to the herein described; thence South 0 degree 39 minutes 10 seconds East, along said West line, 691.74 feet to a point on the Northerly Right of Way line of Interstate Route 35, as now established; thence South 26 degrees 42 minutes 20 seconds West, along said Right of Way line, 534.76 feet; thence South 18 degrees 14 minutes 44 seconds West, along said Right of Way line, 252.87 feet; thence South 26 degrees 42 minutes 20 seconds West along said Right of Way line, 595.09 feet to a point on the North line of the South 30.0 acres of the West one-half of the East one-half and the West one-half of the Southwest quarter of said Section 14; thence South 89 degrees 09 minutes 05 seconds West along said North line, 697.18 feet to the Southwest corner of the East 20.0 acres of the North 30.0 acres of the South 60.0 acres of the West one-half of the Southwest quarter and the West one-half of the East one-half of the Southwest quarter of said Section 14; thence North 0 degree 39 minutes 10 seconds West, 671.03 feet to the Northwest

corner of said 20.0 acre tract; thence South 89 degrees 09 minutes 05 seconds West along the North line of said South 60.0 acres, 620.73 feet to a point on the East Right of Way line of N. Stark Avenue, as now established, said point being 25.00 feet East of the West line of the Southwest quarter of said Section 14; thence North 0 degree 04 minutes 17 seconds West along said Right of Way line, parallel to and 25.041 feet East of the West line of the Southwest quarter of said Section 14, 1267.30 feet to a point on the South Right of Way line of said NE 76th Street, said point being 25.00 feet East and 25.00 feet South of the Northwest corner of the Southwest quarter of said Section 14; thence North 89 degrees 19 minutes 35 seconds East along the South Right of Way line of said NE 76th Street, 1906.17 feet to the True Point of Beginning. excepting therefrom those portions platted as Oak Crest First Plat, Oak Crest Second Plat, Oak Crest Third Plat, Oak Crest 4th Plat AND Oak Crest 5th Plat and excepting therefrom those portions as conveyed to Blair Properties, L.L.C. in the Special Warranty Deed recorded June 10, 2019 as Document No. 2019014952 in Book 8428 at Page 67 and more particularly described as follows: A parcel of land located in the Southwest 1/4 of Section 14, Township 51, Range 32, in Clay County, Missouri; Commencing at the Northeast corner of said Southwest 1/4 section; thence N 89° 21' 45" W along the North line of said 1/4 section, a distance of 643.93 feet; thence S 00° 38' 01" W, a distance of 345.59 feet to the Point of Beginning of the parcel to be described; thence S 44° 54' 53" W, a distance of 156.00 feet; thence S 00° 01' 06" E, a distance of 37.08 feet; thence S 45° 05' 07" E, a distance of 109.13 feet; thence N 44° 54' 53" E, a distance of 58.85 feet; thence N 02° 43' 20" W, a distance of 183.14 feet back to the Point of Beginning. Except Therefrom those portions platted as Oak Crest First Plat, Oak Crest Second Plat, Oak Crest Third plat, Oak Crest 4th Plat, and Oak Crest 5th Plat and Excepting therefrom those portions as conveyed to Blair Properties, L.L.C. in the special Warranty Deed Recorded June 10, 2019 as Document No. 2019014952 in Book 8428 at Page 67 and more particularly described as follows: A parcel of land located in the Southwest 1/4 of Section 14, Township 51, Range 32, in Clay County, Missouri; Commencing at the Northeast corner of said Southwest 1/4 Section; Thence North 89°21'45" West along the North line of said 1/4 section, a distance of 643.93 feet; Thence South 00°38'01" West, a distance of 345.59 feet to the Point of Beginning of the parcel to be described: Thence South 44°54'53" West a distance of 156.00 feet; Thence South 00°01'06" East a distance of 37.08 feet; Thence South 45°05'07" East, a distance of 109.13 feet; Thence North 44°54'53" East, a distance of 58.85 feet; Thence North 02°43'20" West, a distance of 183.14 feet back to the Point of Beginning

is hereby rezoned from District B2-2 (Neighborhood Business – 2) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88 -20A\_\_\_\_, 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 for the area legally described above is hereby approved, subject to the following conditions:

1.

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

\_\_\_\_\_

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

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

**211034**



---

**File #: 211035**

---

ORDINANCE NO. 211035

Vacating a portion of N.E. 76th Street generally located west of N. Flintlock Road in Kansas City, Clay County, Missouri; retaining an easement; and directing the City Clerk to record certain documents. (CD-ROW-2021-00032)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council of Kansas City does hereby find and declare that on September 9, 2021, a petition was filed with the City Clerk of Kansas City by Shooting Star Development, LLC for the vacation of a portion of N.E. 76<sup>th</sup> Street, Kansas City, Clay County, Missouri described as follows:

A tract of land being part of the Southwest Quarter and Northwest Quarter Section 14, Township 51 North, Range 32 West, being in Kansas City, Clay County, Missouri, being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; Thence South 89°20'53" East, along the North line of said Southwest Quarter, 1,385.08 feet; Thence North 00°39'07" East, 25.00 feet, to the Point of Beginning; Thence South 89°20'53" East, 515.89 feet; Thence South 00°41'39" West, 86.45 feet; Thence North 38°59'50" West, 47.33 feet; Thence North 89°20'52" West, 485.62 feet; Thence North 00°39'07" East, 50.00 feet, to the Point of Beginning. Contains 26,345 square feet or 0.60 acres more or less.

The petition included giving the distinct description of the right-of-way to be vacated, and also the names of the persons and corporations owning or claiming to own the property fronting thereon, and that the consent of the persons and corporations owning or claiming to own three-fourths of the front feet of the property immediately adjoining said right-of-way has been obtained in writing, that said consent has been acknowledged as deeds are acknowledged, and was duly filed with the petition for such vacation in the City Clerk's Office.

Section 2. That the Council finds that the City Plan Commission has duly endorsed its approval of this Ordinance hereon.

Section 3. That the Council finds that no private rights will be unreasonably injured or endangered by this vacation and that the public will suffer no unreasonable loss or inconvenience thereby.

Section 4. That a tract of land being part of the Southwest Quarter and Northwest Quarter Section 14, Township 51 North, Range 32 West, being in Kansas City, Clay County, Missouri, being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; Thence South 89°20'53" East, along the North line of said Southwest Quarter, 1,385.08 feet; Thence North 00°39'07" East, 25.00 feet, to the Point of Beginning; Thence South 89°20'53" East, 515.89 feet; Thence South 00°41'39" West, 86.45 feet; Thence North 38°59'50" West, 47.33 feet; Thence North 89°20'52" West, 485.62 feet; Thence North 00°39'07" East, 50.00 feet, to the Point of Beginning. Contains 26,345 square feet or 0.60 acres more or less

be and the same is hereby vacated. However, the City of Kansas City reserves an easement and the right to locate, construct and maintain (or to authorize any franchised utility to locate, construct and maintain) conduits, water, gas and sewer pipes, poles and wire, or any of them over, under, along and across the above-described property. The City of Kansas City shall have at all times the right to go upon the above-described property to construct, maintain and repair the same; and nothing in this vacation action shall be construed so as to grant any right to use the above-described property in any manner as would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses, and specifically, there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) without first securing the written approval of the Director of Public Works and any existing facilities within the right of way will be protected.

Section 5. That the City Clerk of Kansas City, Missouri, be and she is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance and the consent of property owners hereinbefore referred to, to be filed for record in the Recorder's Office in Clay County, Missouri.

Section 6. All Ordinances or parts of Ordinances in conflict with this Ordinance are, in so much as they conflict with this Ordinance, hereby repealed.



certificate of acknowledgment thereon endorsed, is recorded in the records of this office in Book \_\_\_\_\_, at page \_\_\_\_\_.

In Testimony Whereof, I hereunto set my hand and affix the seal of said office at Kansas City, Missouri, this day and year last aforesaid.

\_\_\_\_\_  
Recorder

By \_\_\_\_\_  
Deputy

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

**211035**



---

**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

200810

## Ordinance Fact Sheet

Ordinance Number

Brief Title	Approval Deadline	Reason
<b>HEALTH SCIENCES</b>		
<b>COMMUNITY IMPROVEMENT DISTRICT</b>		

Details	Positions/Recommendations														
<p><b>Reason for Legislation</b></p> <p>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.</p>	<table border="1"> <tr> <td>Sponsor</td> <td></td> </tr> <tr> <td>Programs, Departments, or Groups Affected</td> <td>City Planning &amp; Development Department</td> </tr> <tr> <td>Applicants / Proponents</td> <td> <p>Applicant</p> <p>City Department City Planning &amp; Development Department</p> <p>Other</p> </td> </tr> <tr> <td>Opponents</td> <td> <p>Groups or Individuals</p> <p>None Known</p> <p>Basis of opposition</p> </td> </tr> <tr> <td>Staff Recommendation</td> <td> <p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p>Reason Against</p> </td> </tr> <tr> <td>Board or Commission Recommendation</td> <td> <p>By</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> </td> </tr> <tr> <td>Council Committee Actions</td> <td> <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> </td> </tr> </table>	Sponsor		Programs, Departments, or Groups Affected	City Planning & Development Department	Applicants / Proponents	<p>Applicant</p> <p>City Department City Planning &amp; Development Department</p> <p>Other</p>	Opponents	<p>Groups or Individuals</p> <p>None Known</p> <p>Basis of opposition</p>	Staff Recommendation	<p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p>Reason Against</p>	Board or Commission Recommendation	<p>By</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>	Council Committee Actions	<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>
Sponsor															
Programs, Departments, or Groups Affected	City Planning & Development Department														
Applicants / Proponents	<p>Applicant</p> <p>City Department City Planning &amp; Development Department</p> <p>Other</p>														
Opponents	<p>Groups or Individuals</p> <p>None Known</p> <p>Basis of opposition</p>														
Staff Recommendation	<p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p>Reason Against</p>														
Board or Commission Recommendation	<p>By</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>														
Council Committee Actions	<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>														
<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>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.</p> <p>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.</p> <p>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.</p> <p>The District will continue to exist and function for a period of twenty (20) years.</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

<b>LEGISLATIVE FACT SHEET</b>		Legislation Number:																																																					
		Approval Deadline:																																																					
<b>LEGISLATION IN BRIEF:</b>																																																							
<b>What is the reason for this legislation?</b>	<table border="1" style="width: 100%;"> <tr> <th colspan="2" style="text-align: center;"><b>Fact Sheet Color Codes</b></th> </tr> <tr> <td style="background-color: #fce4d6;"></td> <td style="text-align: center;">User Entered Field</td> </tr> <tr> <td style="background-color: #e1f5fe;"></td> <td style="text-align: center;">User Select From Menu</td> </tr> <tr> <td style="background-color: #e8eaf6;"></td> <td style="text-align: center;">For OMB Use</td> </tr> <tr> <td colspan="2" style="text-align: center;">Sponsor(s)</td> </tr> <tr> <td colspan="2" style="height: 40px;"></td> </tr> <tr> <td colspan="2" style="text-align: center;">Programs, Departments, or Groups Affected</td> </tr> <tr> <td colspan="2" style="height: 30px;"></td> </tr> <tr> <td colspan="2" style="text-align: center;">Sub-Program in Budget (page #)</td> </tr> <tr> <td colspan="2" style="background-color: #e8eaf6;"></td> </tr> <tr> <td rowspan="2" style="text-align: center; vertical-align: middle;">Applicants/ Proponents</td> <td style="text-align: center;">City Department</td> </tr> <tr> <td style="text-align: center;">Other</td> </tr> <tr> <td>Staff Recommendation</td> <td style="background-color: #e1f5fe;"></td> </tr> <tr> <td rowspan="2">Board or Commission Recommendation</td> <td style="background-color: #fce4d6;"></td> </tr> <tr> <td style="background-color: #e1f5fe;"></td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>Future Impacts</b></td> </tr> <tr> <td colspan="2" style="height: 40px;"></td> </tr> <tr> <td>Cost of Legislation current Fiscal Year</td> <td style="background-color: #fce4d6;"></td> </tr> <tr> <td>Costs in Future Fiscal Years?</td> <td style="background-color: #e1f5fe;"></td> </tr> <tr> <td>Annual Revenue Increase/Decrease</td> <td style="background-color: #fce4d6;"></td> </tr> <tr> <td>Applicable Dates:</td> <td style="background-color: #fce4d6;"></td> </tr> <tr> <td>Prepared by:</td> <td style="background-color: #fce4d6;"></td> </tr> <tr> <td>Date Prepared:</td> <td style="background-color: #fce4d6;"></td> </tr> <tr> <td>Reviewed by:</td> <td style="background-color: #fce4d6;"></td> </tr> <tr> <td>Date Reviewed</td> <td style="background-color: #fce4d6;"></td> </tr> <tr> <td colspan="2">Reference Numbers</td> </tr> <tr> <td colspan="2" style="height: 20px;"></td> </tr> </table>			<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			
<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>																																																							



---

**File #: 210900**

---

RESOLUTION NO. 210900

Amending the Midtown Plaza Area Plan by changing the recommended land use from Residential Medium Density to Residential High Density on about .22 acres, generally located at 3933 Kenwood Ave, to allow for the development of three triplexes. (CD-CPC-2021-0012

WHEREAS, an application was submitted to the City Planning and Development Department to amend the Midtown Plaza Area Plan by changing the recommended land use from Residential Medium Density to Residential High Density on about .22 acres, generally located at 3933 Kenwood Ave, to allow for the development of three triplexes; and

WHEREAS, The City Plan Commission considered such amendment to the Proposed Land Use plan and Map on September 21, 2021; and

WHEREAS, after all interested persons were given an opportunity to present testimony, the City Plan Commission did on September 21, 2021 recommend approval of the proposed amendment to the Midtown Plaza Area Plan; NOW, THEREFORE,

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

Section A. That the Recommended Land Use Map in the Midtown Plaza Area Plan is hereby amended by changing the recommended land use from Residential Medium Density to Residential High Density on about .22 acres, generally located at 3933 Kenwood Ave, to allow for the development of three triplexes.

Section B. That the amendment to the Midtown Plaza 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 area plan amendment hereinabove, all public notices have been given and hearings have been held as required by law.

..end

# COMMUNITY PROJECT/REZONING

**210900**

## Ordinance Fact Sheet

**Case No.** CD-CPC-2021-00120

### Brief Title

A resolution to approve an amendment to the Midtown/Plaza Area Plan by changing the recommended land use from Residential Medium Density to Residential High Density on about .22 acres generally located at 3933 Kenwood Ave. (CD-CPC-2021-00120)

**Ordinance Number**

### Details

**Location:** Generally located 3933 Kenwood Ave.

**Reason for Legislation:** Area Plan Amendment requires City Council approval.

#### PLAN REVIEW

##### *Area Plan Amendment and Rezoning Analysis.*

In reviewing and making decisions on proposed zoning map amendments, the City Planning and Development Director, City Plan Commission, and City Council must consider at least the following factors:

**88-515-08-A.** Conformance with adopted plans and planning policies;

*The proposed Area Plan Amendment would change the future land use designation to Residential High Density. "There is a strong desire to see this (multifamily) reinvestment continue and spread further within the sub-area." (Midtown/Plaza Area Plan) The architectural character of the proposed project is also in conformance with the area plan. AN*

**88-515-08-B.** Zoning and use of nearby property; Property to the west is zoned R-1.5. AN

**88-515-08-C.** Physical character of the area in which the subject property is located;

*The surrounding area features a mix of housing types. The rezoning will not alter the physical characteristics of the area. AN*

**88-515-08-D.** Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

*Currently, Gillam Rd and E 39<sup>th</sup> St are well-traveled routes. There is adequate public*

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	4 <sup>th</sup> District (Shields, Bunch)
<b>Applicants / Proponents</b>	<b>Applicant</b> James (Alex) Hilton Grandbridge Real Estate Capital 2001 Shawnee Mission Pkwy Mission Woods, KS 66205
	<b>City Department</b> City Planning & Development <b>Other</b>
<b>Opponents</b>	<b>Groups or Individuals</b>
	<b>Basis of Opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> <b>For</b>
	<input type="checkbox"/> <b>Against</b>
	<b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (6-0)    09-21-2021 By Aye: Allender, Baker, Enders, Hill, Sadowski, Beasley, Rojas
	<input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b>
	<input type="checkbox"/> <b>For, with revisions or conditions</b> (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> <b>Do Pass</b>
	<input type="checkbox"/> <b>Do Pass (as amended)</b>
	<input type="checkbox"/> <b>Committee Sub.</b>
	<input type="checkbox"/> <b>Without Recommendation</b>
	<input type="checkbox"/> <b>Hold</b>

infrastructure to serve the development allowed by the rezoning. AN

**88-515-08-E.** Suitability of the subject property for the uses to which it has been restricted under zoning regulations;

*The uses associated with the R- zoning districts (residential) are suitable for the area. AN*

**88-515-08-F.** Length of time the subject property has remained vacant as zoned;

*N/A. AN*

**88-515-08-G.** The extent to which approving the rezoning will detrimentally affect nearby properties; and

*The proposed rezoning will not detrimentally affect nearby properties. AN*

**88-515-08-H.** The gain, if any, to the public health, safety, and welfare due to the denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

*Denial of the rezoning might affect the redevelopment of the existing property, thus the vacant and deteriorating structures that currently sit on the property may remain. AN*

	<input type="checkbox"/> Do not pass
<b>Policy or Program Change</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Operational Impact Assessment</b>	

**Finances**

<b>Cost &amp; Revenue Projections – Including Indirect Costs</b>	
<b>Financial Impact</b>	
<b>Funding Source(s) and</b>	

--

Appropriation Account Codes	

**Continued from Page 2**

<b>Fact Sheet Prepared By:</b>	Date: 09-30-2021		
Ahna Nanoski, AICP Lead Planner			
<b>Reviewed By:</b>	Date: 09-30-2021	<b>Initial Application Filed:</b>	07-01-2021
Joe Rexwinkle, AICP Division Manager Development Management		<b>City Plan Commission:</b>	09-21-2021
		<b>Revised Plans Filed:</b>	NA
<b>Reference Numbers:</b>			
Case No. CD-CPC-2021-00120			



---

**File #: 210901**

---

ORDINANCE NO. 210901

Rezoning an area of about .22 acres generally located at 3933 Kenwood Avenue from R-5 to R-1.5 to allow for the development of three triplexes. (CD-CPC-2021-00119)

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-1300, rezoning an area of approximately .22 acres generally located at 3933 Kenwood Avenue from District R-5 to R-1.5, said section to read as follows:

Section 88-20-A-1300. That an area legally described as:

Lots 30 thru 32, Block 1, Vanderbilt Place, a subdivision in Kansas City, Jackson County, Missouri.

is hereby rezoned from District R-5 to District R-1.5, all as shown outlined on a map marked Section 88-20-A-1300, 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 in accordance with Section 88-20 thereof.

Section B. That a development plan for the area legally described above is hereby approved, to allow for the development of three triplexes, subject to the following conditions:

1. 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 certificate of occupancy.
2. Mechanical equipment and utility cabinets shall comply with 88-425-08-B and 88-425-08-D.
3. Staff would recommend the applicant use similar exterior materials and paint colors that are on the buildings at 3915-23 Kenwood to allow the modern design to blend in with the neighborhood.

4. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted prior to issuance of any building permits, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to issuance of any certificate of occupancy.
5. 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.
6. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
7. 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.
8. The developer shall secure permits to extend public sanitary and 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.
9. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the

maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.

10. 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.
11. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
12. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
13. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
14. 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)
15. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
16. The turning radius for Fire Department access roads is 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
17. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
18. The developer shall be responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to certificate of occupancy.
19. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.

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 Ordinance 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

# COMMUNITY PROJECT/REZONING

**210901**

## Ordinance Fact Sheet

**Ordinance Number**

**Case No.** CD-CPC-2021-00119

### Brief Title

An ordinance to approve a Development Plan to allow for the development of three triplexes on about .22 acres generally located at 3933 Kenwood Ave. (CD-CPC-2021-00119)

### Details

<b>Location:</b> Generally located 3933 Kenwood Ave.
<b>Reason for Legislation:</b> A Development plan review allows for the City Council to review plans proposing significant development, to determine whether such plans further the purposes of this zoning and development code.
<p><b>PLAN REVIEW</b></p> <p>As noted on the submitted plans, the development comprises of three triplexes in a modern architecture design. The three triplexes face Gillham Park and Kenwood Ave. Parking is located in the rear of the property, access from an alley.</p> <p><i>Building Type- Specific (88-100), Use Regulations (88-300), and Development Standards (88-400)</i></p> <p>See Staff Report</p> <p><i>City Plan Commission: Approval Subject to Conditions as reflected in the conditions below.</i></p> <ol style="list-style-type: none"> <li>1. 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 Certificate of Occupancy.</li> <li>2. Mechanical equipment and utility cabinets shall comply with 88-425-08-B and 88-425-08-D.</li> <li>3. Historic Preservation The two houses are part of the South Hyde Park Historic District. The district is only on the national register and not on the local, so no review is required by the Historic Preservation commission. Though not a requirement, staff would recommend the applicant use similar exterior materials and paint colors that are on the buildings at 3915-23 Kenwood to allow the modern design to blend in with the neighborhood.</li> <li>4. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district,</li> </ol>

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	4 <sup>th</sup> District (Shields, Bunch)
<b>Applicants / Proponents</b>	<p><b>Applicant</b> James (Alex) Hilton Grandbridge Real Estate Capital 2001 Shawnee Mission Pkwy Mission Woods, KS 66205</p> <p><b>City Department</b> City Planning &amp; Development</p> <p><b>Other</b></p>
<b>Opponents</b>	<p><b>Groups or Individuals</b></p> <p><b>Basis of Opposition</b></p>
<b>Staff Recommendation</b>	<p><input checked="" type="checkbox"/> <b>For</b></p> <p><input type="checkbox"/> <b>Against</b></p> <p><b>Reason Against</b></p>
<b>Board or Commission Recommendation</b>	<p>City Plan Commission (6-0) 09-21-2021 By Aye: Allender, Baker, Enders, Hill, Sadowski, Beasley, Rojas</p> <p><input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b></p> <p><input type="checkbox"/> <b>For, with revisions or conditions</b> (see details column for conditions)</p>
<b>Council Committee Actions</b>	<p><input type="checkbox"/> <b>Do Pass</b></p> <p><input type="checkbox"/> <b>Do Pass (as amended)</b></p> <p><input type="checkbox"/> <b>Committee Sub.</b></p> <p><input type="checkbox"/> <b>Without Recommendation</b></p> <p><input type="checkbox"/> <b>Hold</b></p> <p><input type="checkbox"/> <b>Do not pass</b></p>

the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted prior to issuance of any building permits, and the developer secure permits to construct any improvements required by the Land Development Division prior to issuance of any certificate of occupancy.

5. The developer must 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.
6. The developer shall submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
7. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
8. The developer must secure permits to extend public sanitary and 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.

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

**Finances**

<b>Cost &amp; Revenue Projections – Including Indirect Costs</b>	
<b>Financial Impact</b>	
<b>Funding Source(s) and Appropriation Account Codes</b>	

**Continued from Page 2**

9. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
10. 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, as amended, commonly known as the Development Regulations.
11. The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
12. Fire hydrant distribution shall follow IFC-2018 Table C102.1
13. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
14. 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)
15. Aerial Fire Apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial Fire Apparatus Roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
16. The turning radius for fire department access roads is 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
17. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
18. The developer is responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to certificate of occupancy.
19. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.  
<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>

**Fact Sheet Prepared By:**

**Date:** 09-24-2021

Ahna Nanoski, AICP  
Lead Planner

**Reviewed By:**

**Date:**

Joe Rexwinkle, AICP  
Division Manager  
Development Management

**Initial Application Filed:** 07-01-2021

**City Plan Commission:** 09-21-2021

**Revised Plans Filed:** NA

**Reference Numbers:**

Case No. CD-CPC-2021-00119



---

**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 #: 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 am. 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

**From:** [Bough, Andrea](#)  
**To:** [Public Testimony](#)  
**Subject:** Fwd: Liquor Ordinance Revisions Tavern v Restaurant-Bar  
**Date:** Tuesday, November 2, 2021 8:20:45 AM

---

Can you please add this to the testimony for Ordinance No 210961? Thank you.



**Andrea Bough**  
**Councilwoman, 6<sup>th</sup> District at Large**  
**City of Kansas City, MO**  
414 E. 12th St., 22nd Floor  
Kansas City, MO 64106  
Phone: [816-513-6523](tel:816-513-6523)  
[www.kcmo.gov](http://www.kcmo.gov)

Sent from my iPhone

Begin forwarded message:

**From:** The Well <[chris@lewellen.net](mailto:chris@lewellen.net)>  
**Date:** October 28, 2021 at 8:42:10 PM CDT  
**To:** "Bough, Andrea" <[Andrea.Bough@kcmo.org](mailto:Andrea.Bough@kcmo.org)>  
**Subject:** **Re: Liquor Ordinance Revisions Tavern v Restaurant-Bar**

**EXTERNAL: This email originated from outside the kcmo.org organization. Use caution and examine the sender address before replying or clicking links.**

yes

On Oct 28, 2021, at 8:49 AM, Bough, Andrea  
<[Andrea.Bough@kcmo.org](mailto:Andrea.Bough@kcmo.org)> wrote:

Chris -

Can I forward this to the City Clerk's office to add to public testimony?



<image0.jpeg>

**Andrea Bough**  
**Councilwoman, 6<sup>th</sup> District at Large**  
**City of Kansas City, MO**  
414 E. 12th St., 22nd Floor

Kansas City, MO 64106  
Phone: [816-513-6523](tel:816-513-6523)  
[www.kcmo.gov](http://www.kcmo.gov)

Sent from my iPhone

On Oct 28, 2021, at 7:22 AM, Bough, Andrea  
<[Andrea.Bough@kcmo.org](mailto:Andrea.Bough@kcmo.org)> wrote:

Thanks, Chris. This is helpful in providing actual examples of how provision could create issues.



<image0.jpeg>

**Andrea Bough**  
**Councilwoman, 6<sup>th</sup> District at Large**  
**City of Kansas City, MO**  
414 E. 12th St., 22nd Floor  
Kansas City, MO 64106  
Phone: [816-513-6523](tel:816-513-6523)  
[www.kcmo.gov](http://www.kcmo.gov)

Sent from my iPhone

On Oct 27, 2021, at 10:42 PM, The Well  
<[chris@lewellen.net](mailto:chris@lewellen.net)> wrote:

**EXTERNAL: This email originated from outside the [kcmo.org](http://kcmo.org) organization. Use caution and examine the sender address before replying or clicking links.**

Michael,

This ordinance officially eliminates any new neighborhood grill and bar or any type of sports bar from opening with a credible investment in the non exempt areas. I would never have invested the money into our businesses as they stand if this was in place 20 years ago. All three of our places, Charlie Hooper's Bar & Grille, Lew's Grill & Bar and The Well Bar Grill and Rooftop could

on a good year with a Superbowl win force us to fall below 50% food ratio since we offer reasonable food prices for our neighbors like \$1.50 Hotdogs on Saturdays and Burger nights. I would hate a time where I am rooting against the Royals or Chiefs to "win it all" since I will most likely sell more alcohol during that time and fall below the 50%.

My **RESTAURANTS** serve food the entire time our places are open including late night. We serve a great service for the neighborhoods as we are the only sit down restaurant open after 10pm 7 days a week. Food softens a concept in the neighborhoods and you don't have the problems like a tavern or club in a neighborhood setting. I don't understand why there is not a minimum amount of food sold per location that would exempt from the 50/50 tavern clause. Two of my three places sell more than a million dollars per year. It takes a-lot of hard work and expense to offer food and I suggest a \$500,000 food minimum clause or 50/50.

Also the right of an owner to sell their business even to a relative is very common and this tavern clause would cause more problems selling.

Chris Lewellen  
President

Charlie Hooper's Grill & Bar  
Lew's Grill & Bar  
The Well Bar Grill & Rooftop

On Oct 27, 2021, at 12:54 PM,  
Mike Nigro  
<[mike@manigrolaw.com](mailto:mike@manigrolaw.com)>  
wrote:

Andrea,

Please share this email with the appropriate folks.

I think there is a problem with no new licenses to be issued (this includes when a business is sold or when a tenant vacates one of our shopping centers) if the location is within 300 feet of a school or church or adjacent to a residential zoning or if the business is now defined as a "tavern." If the location falls under the "tavern license" definition (now defined as <51% food) it is presumed to be a nuisance and it seems we have to rebut that presumption. The way I understand it, Jim has to weigh in, using a variety of factors in the new ordinance, and if 51% of the neighbors complain I don't see how that presumption is going to be rebutted. It is not fair to limit an owners ability to sell the business if 51% of the neighbors disapprove a "new" license and then Jim is going to have to over-ride the neighborhood I suppose. That is a tough spot to put him in. This doesn't apply if the location is within an exception area. As a lawyer, who does a fair amount of liquor work, it seems rash to presume a nuisance and then have to rebut the presumption purely based on a 50-50 food to liquor ratio. What happens if I have a client that is 50-50 one year but the prior year they were 51-49 food to liquor? What type of license do they have? Does it change from year to year?

As a member of a family that

has real estate holdings in KC (Waldo Mart at 75th and Wornall and Third Street Social, Minsky's, Egg TC and Osteria il Centro on Main, to name a few), since the 1960s, that I actively manage every day, I find it frustrating that certain areas are excepted from the new ordinance, and that those areas do not include Waldo or South Plaza. They include other areas of the City, why not those? Reference Sect 10-212 and 10-215. It is just as important our tenants, and us as building owners, to be able to sell those businesses, and release our spaces, without being presumed a nuisance. These areas are also entertainment areas and have been for years.

They may not have the same political clout as Zona, 18th and Vine, the Plaza or P&L, but they are entertainment areas nonetheless and we have been contributing to the tax base of the City from those locations for decades with good, quality, long term tenants. All but 2 of our tenants are locally owned as well.

This concern is legitimate since liquor control had to write in an exception to allow Jim to even renew licenses in any area, other than an exception area, if the licensed locations are only 50% food and issued prior to an arbitrary date. Reference Sect 10-261. Without this exception several licenses would be presumed a nuisance upon renewal whether they had actually ever been a true nuisance or not.

So Jim can renew the existing

license under the exception, but if I have a client, or a tenant, that has historically had a restaurant-bar license based on the old definition, suddenly they are now a tavern and we can't get another license without defending the operation to rebut the presumption? Is that the goal, to blanket every current location in the event of a change of ownership or a new tenant if the operation is on the 50-50 cusp, even if they have an existing restaurant-bar license?

I could see doing that to existing taverns, if the goal is to reduce taverns. Maybe only taverns should be subject to the limitations on new licenses and sales of businesses with a rebuttable presumption of nuisance. Apply the same guidelines to un-prove a nuisance for taverns, not restaurants and bars. The sudden tavern classification is not fair to restaurants and bars that do 49% food, or even 50%, food. They are not a tavern, they likely just have expensive alcohol. Funky Town, for example, is not the same as Lew's Bar and Grill, for example. Under this ordinance they both are Taverns if Lew's has 50% food, even with an open kitchen during all hours of operation. That is not a fair comparison. They should not be in the same group of licenses locations. You need to put a dollar amount food sales threshold back in the definition of "restaurant-bar." I believe it was \$250,000 before, but was removed entirely. Maybe it should now be \$400,000 in food sales, for example, regardless of the ratio of food to alcohol.

There are places all over the city that likely do 50-50 food to alcohol (or bounce around that ratio from year to year), especially now that high end drinks and wine are the norm in these spots, but still serve plenty of food from full menus. For example, I believe Osteria il Centro may be close to 50-50, at times, given their drink and wine prices. Lew's may also be close given their food prices are very reasonable, and folks buy more high-end liquor now.

Neither of these places, for example, should have a tavern designation (like a Funky Town or a place that does not have an actual menu available during all hour of operation), much less be deemed a nuisance, and they suddenly may get both monikers if this ordinance is adopted without a dollar amount food threshold in the definition of restaurant and bar.

I think the easiest way to alleviate the concern is to place a dollar amount food threshold back in the definition of restaurant and bar or to expand the exception areas to include all entertainment areas in the City. I believe the former would be preferred by staff.

I am happy to discuss,

Mike

[MANigro\_Logo\_Final\_200px  
(3)]

Michael A. Nigro, Esq.  
M.A. Nigro and Associates,  
LLC  
The Gregory McGee Building

221 East Gregory Boulevard,  
Suite D  
Kansas City, Missouri 64114  
Phone (816) 994-3500  
Cellular (816) 333-2600  
Fax (816) 216-7509  
[Email](mailto:mike@manigrolaw.com)  
[mike@manigrolaw.com](mailto:mike@manigrolaw.com)<<mailto:mike@manigrolaw.com>>

Mailing Address:  
P.O. Box 481536  
Kansas City, Missouri 64148

<winmail.dat>

# 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 24, 2021

Ms. Monica Sanders, Chief Deputy City Clerk  
City Hall, 22nd Floor  
414 E. 12th Street  
Kansas City, MO 64106

**SENT VIA EMAIL AND USPS**

Re: Committee Substitute for Ordinance 210961, Chapter 10 revisions

Dear Ms. Sanders:

I recently received from Councilwoman Andrea Bough a copy of the proposed Chapter 10 revisions proposed following a meeting to consider matters relating to sales of businesses and definitions of restaurants and places where there are substantial quantities of food. I appreciate the willingness of the Council to make doing business in Kansas City less cumbersome, without negative impact on communities where those businesses will be located. I do appreciate her willingness to consider matters of concern, as well as her sharing of the proposed language which could not be obtained from Regulated Industries.

While the unbridled and ambiguously applied discretion authority vested in the Manager of Regulated Industries remains in the Ordinance, which I believe is unconstitutional on its face and as it may be applied, that battle may have to be fought another day. Further, the idea of sending out notices to multiple "consenters" and then basing decisions on the number of negative or positive responses still raises concerns. A business might find that there are 20 eligible consenter responders, and that 2 of those responders raise objections, with 18 not responding. As the Ordinance is currently written, because over 50% of the persons responding have objected to the business, the entity must now rely on review of those concerns by the Manager of Regulated Industries who will decide whether to grant or deny the license without clearly articulated standards. The Manager has indicated that he will decide in "good faith." We will see.

A more real and present problem with the Ordinance is the provision found throughout the Ordinance which says:

"Before a license or permit is issued under the provisions of this chapter, the applicant shall furnish to the Director upon request, approval [ the old language said certificate] 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." (among other places 10-162 (a)(13).

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

Jim Ready, Manager of Regulated Industries, has taken the position that the Code prohibits him from issuing a license unless Fire and Health officials tell him it's ok to proceed with his liquor control licensing independent of fire and health inspections--in other words he is not authorized to issue a liquor license without "approval" of fire and health. That is not what the Ordinance provides for. The Ordinance says "upon request" so it is clear that the Manager [Director] can merely waive, or not request, those approvals in certain circumstances.

Historically, Joe Williamson at Health has advised Regulated Industries that Health has received application from the applicant and that Regulated Industries may proceed and that approval has been accepted by Regulated Industries in lieu of an inspection certificate. The Fire Marshal Division also has in the past, told Regulated Industries to move ahead with their licensing when the Marshal has received a request for inspection and that fire will proceed independently. That policy of the Fire Marshal which worked well in the past has changed and the Fire Marshal will not inspect a business until the new operator is actually in possession, nor will they tell Regulated Industries they may proceed, which also creates a secondary problem: Health will not accept an application for inspection without a fire waiver or inspection attached.

This has most recently been the case of the sale of a convenience store in the northland at 4225 North Oak Trafficway. This convenience store has long been operated by Pour Boy Oil Company, which has decided to sell its business to a new entity Z H & Sons LLC. Contracts are signed, the state and county liquor licenses are issued, the closing on the transaction is scheduled for December 1, the inventory company is ready to inventory on December 1, the buyers are ready to take possession on December 1 and Regulated Industries has everything required for license issuance---except for the fire and health approvals (applications having been submitted to both those Departments) . Regulated Industries refuses to issue a liquor license which will allow the buyers of a convenience store take possession of a business on December 1 and sell liquor which is in their inventory. Instead, the Fire Marshal says they will only come out after the new owners are in possession on some unknown day and then Health will come out sometime after that (because Health requires the fire inspection report as part of its application) ....and finally weeks later Regulated Industries will finally issue their license sometime well after possession date. So, the new owner/operator is put in a position where they either sell liquor illegally or don't sell liquor or close their doors until these 3 departments get their act together. That really does not make much sense when the only thing changing at the location is the owner and trade name---the operation of the business will remain as it has been under current ownership.

It is this type of bureaucratic inflexibility that frustrates persons from investing in Kansas City. Remember, the Ordinance provides that this type of scrutiny by the Manger is "upon request". While advance approvals of the Fire Marshal and Health Department make sense with new construction, it just has no place in the case of the sale of an existing building and business. These 3 Departments just don't understand how transactions take place in the real business world. Can you imagine telling Capitol Grill or Loews Hotel they could not lawfully sell liquor for a couple of weeks if there were a change in ownership within their organizations---and no other changes?

I personally believe 10-162 gives Regulated Industries the ability to issue the license so long as the Manager knows applications to fire and health are in the works; (e.g.: 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.). Jim Ready disagrees. He also is unwilling to read the language of

Ms. Monica Sanders, Chief Deputy City Clerk

November 24, 2021

Page | 3

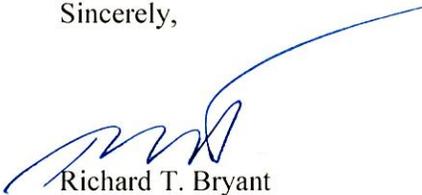
the Code to allow for him to waive (or not request those approvals. Don't forget the Code provides: "Before a license or permit is issued under the provisions of this chapter, the applicant shall furnish to the Director upon request, approval....." Just don't request it in the case of the sale of an existing business with no change in structure or operation. Why not, we are already now going to rely on standardless discretion on the part of Regulated Industries!

The language could better be written to say "If an application is complete in all respects except for approval from the directors of the city planning and development, fire, health and neighborhood departments, then the director may issue the license or permit, approved contingent on providing the approvals to the director." The business could then present the fire and health permits within a commercially reasonable time.

I always hear Council Members say we should be making it easier to do business in Kansas City--not harder...The provision for approval from health and fire should be removed completely from Chapter 10--those departments can do their own thing--or Jim should issue his liquor licenses and get confirmation of approval of health and fire within a reasonable time after he issues his license. He has that discretion now in my opinion but refuses to exercise that sound discretion.

As always, I thank you for your review and hope you will feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard T. Bryant', with a long, sweeping flourish extending to the right.

Richard T. Bryant  
For the Firm



---

**File #: 211016**

---

ORDINANCE NO. 211016

*Approving an Industrial Development Plan for Fidelity Security Life Insurance Company, Inc., a Missouri insurance company, and its affiliates or designees, for the purpose of acquiring, equipping and constructing a project for industrial development consisting of the construction, improvement and renovation of a headquarters facility for Fidelity Security Life Insurance Company, Inc., a Missouri insurance company, and its affiliates and designees, located at the intersection of 27th Street and Grand Boulevard in Kansas City, Missouri; authorizing and approving various agreements for the purpose of setting forth covenants, agreements and obligations of the City and Fidelity Security Life Insurance Company, Inc., and its affiliates or designees; authorizing the issuance of taxable industrial development review bonds in a maximum aggregate principal amount not to exceed \$84,000,000.00; authorizing and approving certain other documents; and authorizing certain other actions in connection with the issuance of said bonds.*

WHEREAS, the City of Kansas City, Missouri, a constitutional charter city and municipal corporation of the State of Missouri (the "City") is authorized pursuant to the provisions of Article VI, Section 27(b) of the Missouri Constitution, as amended, and Sections 100.010 to 100.200, inclusive, of the Revised Statutes of Missouri, as amended, and the City of Kansas City Charter (collectively, the "Act"), to issue its revenue bonds for carrying out a project or projects under the Act, such revenue bonds to be paid solely from revenue received from such project, and to enter into a lease of certain property associated with the project to be financed with the proceeds of such revenue bonds with any person, firm or corporation; and

WHEREAS, the City has heretofore prepared and approved plans for the industrial development of the City and desires to approve an Industrial Development Plan (the "Plan") for the purpose of carrying out a development project (the "Project") for Fidelity Security Life Insurance Company, Inc., and its affiliates or designees (collectively, the "Company"); and

*WHEREAS, the City intends to issue its Taxable Industrial Development Revenue Bonds (Fidelity Security Life Insurance Company, Inc. Project) (the "Bonds") in one or more series for the purpose of furthering the Project located at a site at the intersection of 27th Street and Grand Boulevard, Kansas City, Missouri (the "Project Site"); and*

*WHEREAS, pursuant to the City's direction to utilize Chapter 100 procedures for the Bonds and the Project, notice of the Project was given to the taxing jurisdictions in accordance with the procedures set forth in Section 100.059.1 of the Revised Statutes of Missouri; and*

*WHEREAS, the City Council has heretofore and does hereby find and determine that it is desirable for the economic development of the City and within the public purposes of the Act that the City Council approve a Chapter 100 Industrial Development Plan as proposed by the Company; and that the City issue the Bonds, as more fully described in the Indenture and in the Lease, as hereinafter defined and authorized, proceeds of which shall be used for the lease and construction of certain real property associated with the Project and which shall be located at the Project Site and conveyed to the City from CC main Property Holding, LLC (the "Project Site Owner") and leased from the City by the Company, with an option to purchase; and*

*WHEREAS, the principal amount of the Bonds will be issued in one or more series of taxable Chapter 100 industrial development bonds over a period of not to exceed fifteen (15) years following the issuance of each respective series, with not to exceed fifteen (15) years of real property ad valorem tax abatement at: (1) seventy percent (70%) for the first ten (10) years, and (2) thirty percent (30%) for the next succeeding five (5) years to the affected taxing jurisdictions during the term of the Bonds, which Bonds will be repaid solely by the Company under the terms of the Lease; and*

*WHEREAS, for a Chapter 100 bond issuance, the City Council has previously established a policy (Ordinance No. 041033) for the review and approval of such projects, one component of which suggests a maximum bond term of ten (10) years and another of which suggests payments-in-lieu of taxes (PILOTS) at a level of no less than fifty percent (50%) of the amount that would have been paid to the affected taxing jurisdictions on the property if it had been fully taxed during the term of the bonds, which policy the City hereby directs also be applied to bonds issued under the Constitutional Provisions, one component of which suggests a maximum bond term of 10 years; and*

*WHEREAS, the City Council has previously established a policy (Ordinance No. 160383) capping the amount of real property tax abatement for Chapter 100 projects at fifty percent (50%) for ten (10) years, which policy the City hereby directs also be applied to bonds issued under the Constitutional Provisions;*

*WHEREAS, the Council wishes in this instance to waive: (i) its Chapter 100 policy suggesting the maximum abatement period; and (ii) its Chapter 100 policy suggesting the minimum PILOT payment on behalf of the Project, and*

*WHEREAS, the Company has agreed to maintain certain levels of retained and/or created jobs/payroll in conjunction with the Project as required by City Council policy (which agreement will be memorialized in the Lease); and*

*WHEREAS, the principal amount of the Bonds will be advanced over a period of not to exceed fifteen (15) years following the commencement of the Project, and such property will be leased by the City to the Company for a period not to exceed fifteen (15) years,*

*commencing in the year of the first conveyance of such property to be financed by the Bonds to the City (subject to earlier termination as provided in the Lease); and*

*WHEREAS, the City finds and determines that it is necessary and desirable in connection with the Project to establish: (1) a 70% abatement of ad valorem real property taxes of the Project for the first ten (10) years following the commencement of the Project, with annual payments-in-lieu-of-taxes (PILOTS) equal to 30% of the real property taxes to the affected taxing jurisdictions that would have been payable had the real property been fully taxed; (2) a 30% abatement of ad valorem real property taxes of each phase of the Project for the next five (5) years, with annual payments-in-lieu-of-taxes (PILOTS) equal to 70% of the real property taxes to the affected taxing jurisdictions that would have been payable had the real property been fully taxed, all as described in the Plan; and (3) a sales tax exemption for construction materials purchased with the proceeds of the Bonds; and*

*WHEREAS, the City further finds and determines that it is necessary and desirable in connection with the Project and the issuance of the Bonds that the City enter into certain documents, and that the City take certain other actions and approve the execution of certain other documents as herein provided; NOW, THEREFORE,*

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

*Section 1. Approval of Plan. The City Council hereby finds and determines that the Project will promote the economic well-being and industrial development of the City and the Project will be in furtherance of the public purposes set forth in the Act. The City Council hereby approves the Plan for the Project, which includes the following provisions:*

(a) Construction, improvement and renovation of a headquarters facility for the Company, consisting of approximately 160,400 square feet of office space and a 400-space structured parking garage;

(b) A total estimated project cost of approximately \$84,000,000.00 to fund the construction, improvement and renovation of the Project; and

(c) The costs for the real property will be funded from proceeds of the sale of up to \$84,000,000.00 maximum principal amount of Taxable Industrial Development Revenue Bonds to be issued by the City and purchased by the Company or other purchaser designated by the Company.

*Section 2. Authorization of Documents. The City is hereby authorized to enter into the following documents (the "City Documents"), in such form as shall be approved by the officials of the City executing such documents, such officials' signatures thereon being conclusive evidence of their approval thereof:*

(a) One or more Trust Indentures (collectively, the “Indenture”), between the City and the trustee named therein (the “Trustee”), pursuant to which the Bonds shall be issued and the City shall pledge the Project and assign certain of the payments, revenues and receipts received pursuant to the Lease to the Trustee for the benefit and security of the owners of the Bonds upon the terms and conditions as set forth in the Indenture;

(b) One or more Lease Agreements (collectively, the “Lease”), between the Company, the City and/or the Project Site Owner, under which the City will acquire the Project and will lease the Project to the Company pursuant to the terms and conditions in said Lease, in consideration of rental payments by the Company which will be sufficient to pay the principal of, premium, if any, and interest on the Bonds;

(c) Purchase Agreements, as defined below, under which the purchaser named therein agrees to purchase the Bonds; and

(d) Pre-Development Agreement, but only following the successful negotiation by the City of retained and/or created jobs/payroll in conjunction with the Project, which Pre-Development Agreement will provide for the issuance of a sales tax exemption certificate by the City to the Company prior to the issuance of the Bonds but in no event will such sales tax exemption certificate be issued any earlier than January 31, 2022.

Section 3. Authorization of the Bonds. The City is hereby authorized to issue and sell its Taxable Industrial Development Revenue Bonds (Fidelity Security Life Insurance Company, Inc. Project), in one or more series, in a maximum principal amount not to exceed \$84,000,000.00, for the purpose of providing funds for certain real property associated with the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture.

Section 4. Issuance of First Series of Bonds. The first series of Bonds approved by the City under this ordinance must be issued no later than one (1) year following the date of the final authentication and approval of this Ordinance by the City.

Section 5. Sale and Terms of Bonds; Authorization and Execution of Bond Purchase Agreement. The Bonds will be sold to the Company or other purchaser under the terms of one or more Bond Purchase Agreements, between the City and the Company or other purchaser identified therein (collectively, the “Purchase Agreements”). The maximum aggregate principal amount of the Bonds shall be \$84,000,000.00; the interest rate on the Bonds shall not exceed five point zero percent (5.0%); principal shall be payable at maturity; and the maturity date of the Bonds will be consistent with the term of the *ad valorem* real property tax abatement, but in no event shall the final maturity date of the Bonds be later than December 1, 2040; provided that, no series of Bonds shall remain outstanding for longer than fifteen (15) years after the issuance of such series; the Bonds shall be purchased at one hundred percent (100%) of the principal amount

thereof; and the Bonds may be redeemed at any time at a redemption price equal to the principal amount thereof plus accrued interest. The Director of Finance or the City Treasurer is each authorized to execute the Purchase Agreement for and on behalf of and as the act and deed of the City.

Section 6. Limitation on Liability. The Bonds and the interest thereon shall be limited obligations of the City payable solely out of certain payments, revenues and receipts derived by the City from the Lease described herein, and such payments, revenues and receipts shall be pledged and assigned to the Trustee as security for the payment of the Bonds as provided in the Indenture. The Bonds and the interest thereon shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and are not payable in any manner by taxation.

Section 7. Creation of Bond Fund. The City is hereby authorized to establish with the Trustee pursuant to the Indenture, a special trust fund in the name of the City to be designated the "City of Kansas City, Missouri, Bond Fund – Fidelity Security Life Insurance Company, Inc. Project," and the City shall cause all sums required by the Indenture to be deposited therein and shall create all accounts therein required by the Indenture.

Section 8. Execution of Documents. The Mayor is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Director of Finance is hereby authorized and directed to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk or a deputy City Clerk, of the City is hereby authorized and directed to attest to and affix the seal of the City of the Bonds and the City and the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 9. Further Authority. The Mayor, Director of Finance and other officials, agents and employees of the City as required, are hereby authorized and directed to take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds, the City Documents, and tax redirection.

..end

---

Approved as to form and legality:

---

Katherine Chandler  
Assistant City Attorney

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

**211016**

<b>LEGISLATIVE FISCAL NOTE</b>	<b>LEGISLATION NUMBER:</b>	211016
--------------------------------	----------------------------	--------

**LEGISLATION IN BRIEF:**

Approving an Industrial Development Plan for Fidelity Security Life Insurance Company, Inc., a Missouri insurance company, and its affiliates or designees, for the purpose of acquiring, equipping and constructing a project for industrial development consisting of the construction, improvement and renovation of a headquarters facility for Fidelity Security Life Insurance Company, Inc., a Missouri insurance company, and its affiliates and designees, located at the intersection of 27th Street and Grand Boulevard in Kansas City, Missouri; authorizing and approving various agreements for the purpose of setting forth covenants, agreements and obligations of the City and Fidelity Security Life Insurance Company, Inc., and its affiliates or designees; authorizing the issuance of taxable industrial development review bonds in a maximum aggregate principal amount not to exceed \$84,000,000.00; authorizing and approving certain other documents; and authorizing certain other actions in connection with the issuance of said bonds.

<b>What is the purpose of this legislation?</b>	ECONOMIC DEVELOPMENT
---	----------------------

*For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.*

<b>Does this legislation spend money appropriated in the current fiscal year?</b>	NO	Yes/No
---	----	--------

*What is the city's obligation in future fiscal Years (See Section 04)*

<b>Does this Legislation estimate new revenue in the current Fiscal Year?</b>	NO	Yes/No
---	----	--------

*What is the city's gross new revenue in future Fiscal Years? (See Section 01)*

**Section 00: Notes:**

*This legislation approves an Industrial Development Plan for Fidelity Security Life Insurance Company, Inc for the purpose of acquiring, equipping, and constructing a project for industrial development consisting of the construction, improvement, and renovation of a headquarters facility for Fidelity Security Life Insurance Company, Inc. This legislation approves taxable industrial development review bonds in an amount not to exceed \$84,000,000 issued by the City and purchased by the Company. This legislation also approves a sales tax exemption on construction materials and a property tax abatement, impacts of which will be realized proportionally across funds receiving sales and property tax. The total fiscal impact for this legislation is estimated to be \$1,491,648.*

**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

**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	
2030									
2080									
2200	Sales Tax Exemption:								
2290	Parks Fund, PMT Fund,								
2300	Central City ED Fund, KCATA								
2301	Fund, Fire Fund, Fire Capital								
2320	Fund, Public Safety Fund, and								
3090	Capital Improvements Fund	(180,731)	(677,741)	(632,558)					
1000									
2020	Property Tax Abatement:								
2330	General Fund, Museum Fund,								
5010	Health Fund, and Debt Fund					(40,577)	(122,639)	(1,423,033)	
	PILOT:								
2590	Shared Success Fund				7,003	38,399	73,568	1,466,660	
<b>TOTAL REV</b>		<b>(180,731)</b>	<b>(677,741)</b>	<b>(632,558)</b>	<b>7,003</b>	<b>(2,178)</b>	<b>(49,071)</b>	<b>43,627</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>(180,731)</b>	<b>(677,741)</b>	<b>(632,558)</b>	<b>7,003</b>	<b>(2,178)</b>	<b>(49,071)</b>	<b>43,627</b>	
<b>NET IMPACT</b>		<b>(1,491,647.82)</b>							

REVIEWED BY	Tanner Owens, OMB	DATE	11/9/2021
-------------	-------------------	------	-----------