Legislation Details (With Text)

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File created:	2/1/2024		**In control:**	Council	
On agenda:	2/8/2024		**Final action:**	2/8/2024	
Title:	Sponsor: Councilmember Darrell Curls COMMITTEE SUBSTITUTE Declaring a moratorium until August 8, 2024, on the approval of any new permits, including building code permits and special use permits, plan review, project plans, and zoning changes, where the subject matter of the project is a proposed gas station, provided that the moratorium shall not apply in certain circumstances; and directing the City Manager to review and recommend any appropriate changes to the Zoning and Development Code or other City regulations regarding gas stations by June 5, 2024.				
Sponsors:	Darrell Curls				
Indexes:					
Code sections:					
Attachments:	1. No Docket Memo 240157, 2. Shawn Tolivar - In support of 240157, 3. 240157 cs to org ord-com, 4. Authenticated Ordinance 240157 CS				

Date	Ver.	Action By	Action	Result
2/8/2024	1	Council	Passed as Substituted	Pass
2/7/2024	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
2/1/2024	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 240157

Sponsor: Councilmember Darrell Curls
COMMITTEE SUBSTITUTE

Declaring a moratorium until August 8, 2024, on the approval of any new permits, including building code permits and special use permits, plan review, project plans, and zoning changes, where the subject matter of the project is a proposed gas station, provided that the moratorium shall not apply in certain circumstances; and directing the City Manager to review and recommend any appropriate changes to the Zoning and Development Code or other City regulations regarding gas stations by June 5, 2024.

WHEREAS, in August of 2022, the City Council adopted the City's Climate Protection and Resiliency Plan, which included a goal of reducing greenhouse gas emissions; and

WHEREAS, exposure to common contaminants found at gas stations, such as gasoline, diesel, petroleum oil, volatile organic compounds and solvents, polycyclic aromatic hydrocarbons, and lead can threaten the public health, safety, or welfare of neighboring communities; and

WHEREAS, the City Council finds that in the interest of protecting the public safety, health, and

welfare of Kansas Citians, it is necessary to review regulations concerning the placement, establishment, and operation of businesses involved in the sale of gasoline, diesel, and other motor vehicle fuel products; and

WHEREAS, the City Council believes the adoption of a temporary moratorium is necessary to allow City staff sufficient time to analyze the burdens that such land uses currently pose and are likely to pose in the future so that appropriate regulatory controls and zoning changes may be adopted; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Council hereby declares that there is a moratorium until August 8, 2024, on the approval of any permits, including building code permits and special use permits, plan review, project plans, and zoning changes, where the subject matter of the project is a proposed gas station. Applications for gas stations that are for: (1) plan review and issuance of permits, including building code permits and special use permits, for existing gas station uses that simply maintain status quo but do not include a request to expand existing facilities; (2) the construction of new gas stations that have been previously approved by the City Council through approval of a development plan or master planned development plan; and (3) the construction of a new gas stations that involve the demolition of an existing gas station on or adjacent to the same property and located in a manufacturing (M) zoning district and not within 200 feet of a residential (R) zoning district are not subject to this moratorium. Notwithstanding the foregoing, all gasoline and fuel sales that meet the criteria within this Section 1 are permitted within 200 feet of a residential (R) zoning district if the property abuts an interstate highway.

Section 2. That the City Manager is directed to review and recommend any appropriate changes to zoning and other relevant regulatory controls over the uses subject to the moratorium and to report back to the City Council by June 5, 2024.

Section 3. That the Council finds and declares that before taking any action on the ordinance hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

I hereby certify that the foregoing ordinance was duly advertised, and public hearings were held.

_____
Secretary, City Plan Commission

Approved as to form:

_____
Sarah Baxter
Senior Associate City Attorney

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