



Agenda

Neighborhood Planning and Development Committee

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

Wednesday, October 27, 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

[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](#)

[210962](#)

Authorizing the Director of Health to execute a professional services contract in the amount of \$192,000.00 with Lincoln University for professional grant evaluation from previously appropriated funds.

Attachments: [Lincoln University FY22 - Fact Sheet](#)
[Lincoln University FY22 - Fiscal Note](#)

[210963](#) Accepting and approving a one-year \$423,416.00 contract with the Missouri Department of Health and Senior Services to provide funding for HIV prevention and risk reduction services in the Kansas City, Missouri area; and designating requisitioning authority.

Attachments: [HIV Prevention FY22 - Fact Sheet](#)
[HIV Prevention FY22 - Fiscal Note](#)
[HIV Prevention FY22 - Budget](#)

[210964](#) Accepting and approving a \$27,199.32 grant award agreement from the Association of Food & Drug Officials and the Food & Drug Administration; estimating and appropriating \$27,199.32 in the Health Grants Fund; and designating requisitioning authority.

Attachments: [AFDO-FDA EPHP Equipment FY22 - Fact Sheet](#)
[AFDO-FDA EPHP Equipment FY22 - Fiscal Note](#)
[AFDO-FDA EPHP Equipment FY22 - Budget](#)
[Approp Admin - 1134](#)

[210965](#) Rezoning approximately 0.96 acres generally located at 506 E. 31st Street from District M1-5 to District UR and approving a development plan for a new structure with 163 multi-family units with amenity space. (CD-CPC-2020-00137)

Attachments: [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 \(1\)](#)

[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](#)

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

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

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. 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
- 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

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

Adjournment



File #: 210961

ORDINANCE NO. 210961

Amending Chapter 10, Code of Ordinances, by repealing several sections and enacting in lieu thereof new sections that provide more flexibility in the evaluation of appropriate locations for liquor licenses, expand outdoor dining, allow the provision of to-go cocktails, and make several other changes.

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

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

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

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

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

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

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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

Sec. 10-1. Definitions.

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 10-104. Sunday licenses.

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

(b) Sunday license types and requirements.

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

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

(a) *Requirements.*

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

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

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

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

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

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

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

Sec. 10-106. Extended hours permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 10-118 – 10-120. Reserved.

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

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

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

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

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

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

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

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

Sec. 10-127. License and permit fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 10-134. Downtown economic entertainment district.

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

(b) Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 10-137. Reserved.

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

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

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

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

Sec. 10-161. Application fee.

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

Sec. 10-162. Forms and process.

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

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

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

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

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

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

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

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

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

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

Sec. 10-163. Investigations.

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

Sec. 10-187. Tax clearance.

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

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

Sec. 10-188. Reserved.

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

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

Secs. 10-190 - 210. Reserved.

DIVISION 2. LOCATION.

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

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

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

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

1. *Central City Area.* That area bounded by, including and beginning from the intersecting point of the block face frontage of the west side of Broadway Boulevard and including the block face frontage of I-70 on the north, thence east along the block face frontage of I-70 on the north to the intersecting point of and including the block face frontage of the east side of Cherry Avenue, thence south along the block face frontage of the east side of Cherry Avenue to the intersecting point of and including the block face frontage of the south side of 8th Street, thence east along the block face frontage of the south side of 8th Street to the intersecting point of and including the block face frontage of the east side of Holmes Avenue, thence south along the block face frontage of the east side of Holmes Avenue to the intersecting point of and including the block face frontage of the south side of 24th Street, thence west along the block face frontage of the south side of 24th Street to the intersecting point of and including the block face frontage of the west side of Broadway Boulevard, thence north along the block face frontage of the west side of Broadway Boulevard to the intersecting point of and including the block face frontage of the west side of Broadway Boulevard and the block face frontage of I-70 on the north.

2. *18th 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. *25th 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. *79th 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 34th 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 pre-filled 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



File #: 210962

ORDINANCE NO. 210962

Authorizing the Director of Health to execute a professional services contract in the amount of \$192,000.00 with Lincoln University for professional grant evaluation from previously appropriated funds.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Health is authorized to execute a professional services contract with Lincoln University, in the amount of \$192,000.00, for professional evaluation of the implementation of the KC Health IQ Health Literacy Grant, for the contract period of October 15, 2021 to June 30, 2023, to be paid from funds previously appropriated in Account No. 22-2480-505074-B-G50507423. A copy of the contract, in substantial form, is on file with the Director of Health.

..end

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

Tammy L. Queen
Director of Finance

Approved as to form and legality:

Joseph Guarino
Assistant City Attorney

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

LEGISLATIVE FISCAL NOTE

LEGISLATION
NUMBER:

LEGISLATION IN BRIEF:

Authorizing the Director of Health to execute a professional services contract in the amount of \$192,000.00 with Lincoln University for professional grant evaluation.

What is the purpose of this legislation?

OPERATIONAL GRANT

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

Does this grant require a match?

NO

Yes/No

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

Does this legislation estimate Grant Revenues?

NO

Yes/No

See Section 02 for the New Estimated Revenues by Year.

Does this legislation estimate Grant Appropriations?

NO

Yes/No

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

Does this grant create an ongoing expense for the city?

NO

Yes/No

See Section 04 for five years of ongoing operational Impacts.

Section 00: Notes:

While the contract spans from October 15, 2021 through June 30, 2023, all funds are encumbered in FY22.

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

FINANCIAL IMPACT OF LEGISLATION

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

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2480	505074	B	G50507423	192,000.00	-

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

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

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

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

NET IMPACT ON OPERATIONAL BUDGET

-	-
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RESERVE STATUS:

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

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2480	Health Grants	192,000	-					
		-						
		-						
		-						
TOTAL REV		192,000	-	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2480	Health Grants	192,000	-					
		-						
		-						
		-						
TOTAL EXP		192,000	-	-	-	-	-	-

NET Per-YEAR IMPACT	-	-	-	-	-	-	-	-
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NET IMPACT (SIX YEARS)	-
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REVIEWED BY

Vickie Watson

DATE

10/19/2021



File #: 210963

ORDINANCE NO. 210963

Accepting and approving a one-year \$423,416.00 contract with the Missouri Department of Health and Senior Services to provide funding for HIV prevention and risk reduction services in the Kansas City, Missouri area; and designating requisitioning authority.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That a contract between the City of Kansas City, Missouri, acting through its Director of Health, and the Missouri Department of Health and Senior Services, whereby the State will provide funding for HIV prevention, health education, and risk reduction services throughout the Kansas City, Missouri area for the period beginning January 1, 2022 through December 31, 2022, for an amount not to exceed \$423,416.00, is hereby accepted and approved. A copy of the contract, in substantial form, is on file with the Director of Health.

Section 2. That the Director of Health is hereby authorized to expend the sum of \$276,087.00 from funds appropriated to Account No. 22-2480-505413-G50241923 for the aforesaid contract, for the portion of the contract to be expended this fiscal year.

..end

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

Tammy L. Queen
Director of Finance

Approved as to form and legality:

Joseph Guarino
Assistant City Attorney

LEGISLATIVE FACT SHEET		Legislation Number: 210963
		Approval Deadline:
LEGISLATION IN BRIEF:		
<p>What is the reason for this legislation?</p>	<p style="text-align: center;">Fact Sheet Color Codes</p> <p style="text-align: center;">User Entered Field</p> <p style="text-align: center;">User Select From Menu</p> <p style="text-align: center;">For OMB Use</p>	
<p>Discussion (including relationship to other Council actions)</p>	Sponsor(s)	
	Programs, Departments, or Groups Affected	
	Sub-Program in Budget (page #)	
	Applicants/ Proponents	City Department
		Other
	Staff Recommendation	
	Board or Commission Recommendation	
	Future Impacts	
	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		
Citywide Business Plan Goal		
Citywide Business Plan Objective		
Citywide Business Plan Strategy		

LEGISLATIVE FISCAL NOTE

LEGISLATION
NUMBER:

210963

LEGISLATION IN BRIEF:

Accepting and approving a one-year \$423,416.00 contract with the Missouri Department of Health and Senior Services to provide funding for HIV prevention and risk reduction services in the Kansas City, Missouri area

What is the purpose of this legislation?

OPERATIONAL GRANT

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

Does this grant require a match?

NO

Yes/No

See Section 00: "Notes" Below

Does this legislation estimate Grant Revenues?

NO

Yes/No

See Section 02 for the New Estimated Revenues by Year.

Does this legislation estimate Grant Appropriations?

NO

Yes/No

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

Does this grant create an ongoing expense for the city?

YES

Yes/No

See Section 04 for five years of ongoing operational Impacts.

Section 00: Notes:

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

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

FINANCIAL IMPACT OF LEGISLATION

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

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2480	505413	Various	G50241923	276,087.00	147,329.00

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

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

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

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

NET IMPACT ON OPERATIONAL BUDGET

-	-
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RESERVE STATUS:

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

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2480	Health Grants	276,087	147,329					
		-						
		-						
		-						
TOTAL REV		276,087	147,329	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2480	Health Grants	276,087	147,329					
TOTAL EXP		276,087	147,329	-	-	-	-	-

NET Per-YEAR IMPACT	-	-	-	-	-	-	-	-
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NET IMPACT (SIX YEARS)	-
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REVIEWED BY

Vickie Watson

DATE

10/19/2021

Object Line	HIV Prevention		
	FY22	FY23	Total
A0110 Wages, Regular, Full	\$58,148.36	\$116,296.71	\$174,445.07
A Personal Services	\$58,148.36	\$116,296.71	\$174,445.07
B18560 Health Services	\$216,938.64	\$30,032.29	\$246,970.93
B Contractual Services	\$216,938.64	\$30,032.29	\$246,970.93
C21100 Office Supplies	\$1,000.00	\$1,000.00	\$2,000.00
C Commodities Services	\$1,000.00	\$1,000.00	\$2,000.00
TOTAL	\$276,087.00	\$147,329.00	\$423,416.00

Revenues				
Account Number	Revenue Account Title	Current Budget Estimate	Revised Estimate	Dollar Change
22-2480-500001-472300-G50241923	HIV Prevention	\$ 276,087.00	\$ 276,087.00	\$ -

Appropriations				
Account Number	Appropriation Account Title	Current Estimate	Revised Estimate	Dollar Change
22-2480-505413-A-G50241923	HIV Prevention	\$ 58,148.36	\$ 58,148.36	\$ -
22-2480-505413-B-G50241923	HIV Prevention	\$ 216,938.64	\$ 216,938.64	\$ -
22-2480-505413-C-G50241923	HIV Prevention	\$ 1,000.00	\$ 1,000.00	\$ -
		<u>\$ 276,087.00</u>	<u>\$ 276,087.00</u>	<u>\$ -</u>



File #: 210964

ORDINANCE NO. 210964

Accepting and approving a \$27,199.32 grant award agreement from the Association of Food & Drug Officials and the Food & Drug Administration; estimating and appropriating \$27,199.32 in the Health Grants Fund; and designating requisitioning authority.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That a grant award, in the amount of \$27,199.32 between the City of Kansas City, Missouri, acting through its Director of Health, and the Association of Food & Drug Officials (AFDO) and the Food & Drug Administration (FDA), whereby AFDO & FDA will provide funding for food safety inspection equipment to be used to analyze the Food Safety Program’s effectiveness in preventing food-borne related illnesses within Kansas City, Missouri for the period beginning October 1, 2021 through March 31, 2022, for a total amount not to exceed \$27,199.32, is hereby accepted and approved. A copy of the grant award agreement, in substantial form, is on file with the Director of Health.

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

22-2480-500001-480060-G50507522	Food Program Inspection Equip.	\$27,199.32
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Section 3. That the sum of \$27,199.32 is hereby appropriated from the Unappropriated Fund Balance of the Health Grants Fund in the following account:

22-2480-505075-C-G50507522	Food Program Inspection Equip	\$27,199.32
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Section 4. That the Director of Health is hereby authorized to expend the sum of \$27,199.32 from funds appropriated to Account No. 22-2480-505075-G50507522 for the aforesaid contract, for the portion of the contract to be expended this fiscal year.

..end

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

Tammy L. Queen
Director of Finance

Approved as to form and legality:

Joseph Guarino
Assistant City Attorney

LEGISLATIVE FACT SHEET	Legislation Number:	210964																																																				
	Approval Deadline:																																																					
LEGISLATION IN BRIEF:																																																						
What is the reason for this legislation?	<table border="1" style="width: 100%;"> <tr> <td colspan="2" style="text-align: center;">Fact Sheet Color Codes</td> </tr> <tr> <td colspan="2" style="text-align: center;">User Entered Field</td> </tr> <tr> <td colspan="2" style="text-align: center;">User Select From Menu</td> </tr> <tr> <td colspan="2" 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: 30px;"></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="text-align: center;">Applicants/ Proponents</td> </tr> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">City Department</td> </tr> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">Other</td> </tr> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">Staff Recommendation</td> </tr> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">Board or Commission Recommendation</td> </tr> <tr> <td colspan="2" style="text-align: center;">Future Impacts</td> </tr> <tr> <td colspan="2" style="height: 30px;"></td> </tr> <tr> <td style="width: 50%;">Cost of Legislation current Fiscal Year</td> <td></td> </tr> <tr> <td style="width: 50%;">Costs in Future Fiscal Years?</td> <td></td> </tr> <tr> <td style="width: 50%;">Annual Revenue Increase/Decrease</td> <td></td> </tr> <tr> <td style="width: 50%;">Applicable Dates:</td> <td></td> </tr> <tr> <td style="width: 50%;">Prepared by:</td> <td></td> </tr> <tr> <td style="width: 50%;">Date Prepared:</td> <td></td> </tr> <tr> <td style="width: 50%;">Reviewed by:</td> <td></td> </tr> <tr> <td style="width: 50%;">Date Reviewed</td> <td></td> </tr> <tr> <td colspan="2">Reference Numbers</td> </tr> <tr> <td colspan="2" style="height: 30px;"></td> </tr> </table>		Fact Sheet Color Codes		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	Future Impacts				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			
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Reference Numbers																																																						
Discussion (including relationship to other Council actions)																																																						
Citywide Business Plan Goal																																																						
Citywide Business Plan Objective																																																						
Citywide Business Plan Strategy																																																						

LEGISLATIVE FISCAL NOTE

LEGISLATION
NUMBER:

210964

LEGISLATION IN BRIEF:

Accepting and approving a \$27,199.32 grant award agreement from the Association of Food & Drug Officials and the Food & Drug Administration and estimating and appropriating \$27,199.32 in the Health Grants Fund.

What is the purpose of this legislation?

OPERATIONAL GRANT

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

Does this grant require a match?

NO

Yes/No

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

Does this legislation estimate Grant Revenues?

YES

Yes/No

See Section 02 for the New Estimated Revenues by Year.

Does this legislation estimate Grant Appropriations?

YES

Yes/No

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

Does this grant create an ongoing expense for the city?

NO

Yes/No

See Section 04 for five years of ongoing operational Impacts.

Section 00: Notes:

Funding from grant for food safety inspection equipment began October 1, 2021 and will extend through March 31, 2022 for the total amount of \$27,199.32.

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

FINANCIAL IMPACT OF LEGISLATION

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

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

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

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2480	500001	480060	G50507522	27,199.32	

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

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2480	505075	C	G50507522	27,199.32	

NET IMPACT ON OPERATIONAL BUDGET

RESERVE STATUS:

REVENUE SUPPORTED

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

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2480	Health Grants	27,199.32						
		-						
		-						
		-						
TOTAL REV		27,199.32	-	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2480	Health Grants	27,199.32						
TOTAL EXP		27,199.32	-	-	-	-	-	-

NET Per-YEAR IMPACT	-	-	-	-	-	-	-	-
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NET IMPACT (SIX YEARS)	-							
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REVIEWED BY

Vickie Watson

DATE

10/20/2021

Food Program Inspection Equipment

Object Line	FY22	Total
C26250 Minor Equipment	\$27,199.32	\$27,199.32
C Commodities Services	\$27,199.32	\$27,199.32
TOTAL	\$27,199.32	\$27,199.32

Food Program Inspection Equipment

Revenues					
Account Number	Revenue Account Title	Current Budget Estimate		Revised Estimate	Dollar Change
22-2480-500001-480060-G50507522	Food Program Inspection Equipment	\$ -	\$	27,199.32	\$ 27,199.32

Appropriations					
Account Number	Appropriation Account Title	Current Estimate		Revised Estimate	Dollar Change
22-2480-505075-C-G50507522	Food Program Inspection Equipment	\$ -	\$	27,199.32	\$ 27,199.32
		\$ -	\$	27,199.32	\$ 27,199.32



File #: 210965

ORDINANCE NO. 210965

Rezoning approximately 0.96 acres generally located at 506 E. 31st Street from District M1-5 to District UR and approving a development plan for a new structure with 163 multi-family units with amenity space. (CD-CPC-2020-00137)

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 88-20A1301, rezoning an area of approximately 0.96 acres generally located at 506 E. 31st Street (northeast corner of E. 31st Street and Gillham Road) from District M1-5 (Manufacturing 1 dash 5) to District UR (Urban Redevelopment) said section to read as follows:

Section 88-20A1301. That an area legally described as:

All that part of Lot 11 lying south of a line beginning in the east line of said Lot 11 at a point which is 340.37 feet north of the north line of 31st Street, as now established, said point being 0.59 feet east of the southeast corner of a one story concrete block building, presently located on the North One-Half (1/2) of said Lot 11; thence west along the face of the south wall of said building, 80.77 feet, more or less, to the southwest corner of said building, which corner is located 40.15 feet east of the east line of Gillham Road and 339.70 feet north of the north line of said 31st Street, as now established; thence west along a line 339.70 feet north of and parallel with said north line of 31st Street, 40.15 feet, to a point in the east line of Gillham Road as now established; and all of Lot 12, except the part of said lots now in Gillham Road, in Bentley's Springfield Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Together with all of Lots 13, 14, 15, 16, except the part thereof in Gillham Road, in Bentley's Springfield Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Together with all of Lots 17 and 18, except part thereof in Gillham Road, and Lots 19, 20, 21, 22 and 23, except that part of Lot 23 in Gillham Road, in Bentley's Springfield Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

is hereby rezoned from District M1-5 (Manufacturing 1 dash 5) to District UR (Urban Redevelopment) all as shown outlined on a map marked Section 88-20A1301, 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. Buildings shall comply with all requirements of wall rating and opening protection per 602 and 705.8 of International Building Code 2018 edition with respect to property lines and lot lines.
2. The developer shall obtain an encroachment permit for door swing over the property line on east side.
3. The developer shall address continues rating of stair 01 directly to outside per 1024.3 and 1024.4 of International Building Code 2018 edition.
4. The developer shall address elevator opening into exit passageway, contrary to 1024.5 of International Building Code 2018.
5. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
6. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
7. 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.
8. The developer shall dedicate additional right-of-way for Main Street as required by the adopted Major Street Plan so as to provide a minimum of 35 feet of right of way as measured from the centerline, along those areas being platted.
9. The developer shall provide acceptable easements and secure permits to relocated sanitary sewers out from under proposed buildings and structures, while continuing to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.

10. 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.
11. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
12. 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.
13. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
14. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
15. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and the developer shall be responsible for all costs associated with subordination activities now and in the future.
16. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
17. 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.

18. The developer shall submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
19. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department 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.
20. 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, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
21. Please note that any proposed on-street parking shall be approved by the Public Works Department prior to the issuance of a permit from the Land Development Department for construction. Requests for on-street parking require review by Public Works staff during the plan review process; this includes any boulevards and parkways.
22. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
23. The developer shall secure approval of a final development plan from the Development Management Division staff prior to building permit.
24. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.

25. 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.
26. The developer shall secure approval of a streetscape plan from the Development Management Division staff prior to building permit. The plan shall include all vertical and horizontal obstructions within and adjacent to the right-of-way along the project frontage including but not limited to signage, sidewalks, driveways, landscaping, and shall demonstrate compliance with applicable policies and regulations.
27. The developer shall obtain approval of the alley vacation from the City Council prior to recording of the plat or certificate of occupancy, whichever occurs first.
28. The developer shall pay money in lieu of dedication of parkland in the amount pursuant to the formula or dedicate acreage of private open space for parkland purpose as identified in 88-408. The money in lieu is to be paid prior to a certificate of occupancy. Money in lieu of parkland for 2020 shall be based on the following formula: (# of units) X (2 persons per unit) X (0.006 acres per person)=acres of parkland required X (2020 parkland fee (\$48,801.37) per acre) = Fee.
29. The developer shall remain in full compliance with the parkway and boulevard standards of 88-323.
30. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
31. On a parks and recreation jurisdictional street and/or park, the Parks and Recreation Department will have the right to approve or reject those items encroaching the right of way. These include but are not limited to the following: roof overhangs, balconies, awnings, signs, sidewalk cafes, valet parking and/or fencing. The developer shall present plans to the Parks Development Review Committee and enter into an encroachment agreement with the Board of Parks & Recreation if approved using the most recent encroachment fee schedule.
32. The developer will need to apply for and receive approval for the drop off zone shown on Gilham Road.
33. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.
34. The developer shall submit an analysis by a registered professional engineer in Missouri to verify adequate capacity of the existing water mains and verify fire

flow capacity prior to the issuance of new water service permits. Depending on adequacy of the existing water mains systems, making other improvements as may be required.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

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

..end

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

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney

COMMUNITY PROJECT/REZONING

Ordinance Number 210965

Ordinance Fact Sheet

Case No. CD-CPC-2020-00137

Rezoning

The applicant is proposing to approve to rezone approximately 0.96 acre generally located at 506 E. 31st Street (northeast corner of E. 31st Street and Gillham Road) from District M1-5 (Manufacturing 1 dash 5) to District UR (Urban Redevelopment) and approve a development plan for a new structure with 163 multi-family units with amenity space. (CD-CPC-2020-00137)

Details

Location: generally located at northeast corner of E. 31st Street and Gillham Road

Reason for Legislation: Rezoning to UR require City Council approval.

The Commission recommended that this application be approved with conditions:

REVIEW CRITERIA

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

The plan, as proposed, complies with the applicable plans and policies including the Greater Downtown Area Plan.

88-515-08-B. zoning and use of nearby property;

Adjacent properties are zoned UR and M1-5 with a mixed use characteristic.

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

The site is about one acre and generally located at the northeast corner of E 31st Street and Gillham Road. The site contains two joined, vacant buildings, a hard surface drive on the east side of the buildings along E 31st Street and several open space lots with intermittent paving to the north of the site along Gillham Road. The primary building at the corner of E31st Street and Gillham Road and the vacant lots along Gillham Road are separated by a 14-foot wide E/W public alleyway. The addresses of the site are 500/506 East 31st Street, 3025 Gillham Road and 3021 Gillham Road. The site has about 130 feet of frontage on East 31st Street and about 340 feet of frontage along Gillham Road. The existing building is three stories and of brick construction with a primary entrance on E 31st Street. In staff's opinion, the proposed building is designed with consideration of the change of topography and the historic

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	4 th District (Shields, Bunch)
Applicants / Proponents	Applicant Kurt Mitscher Taliaferro & Browne 1020 E. 8th St. KCMO 64106
	City Department City Planning & Development
	Other
Opponents	Groups or Individuals
	Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For
	<input type="checkbox"/> Against
	Reason Against
Board or Commission Recommendation	City Plan Commission (5-0) 10-5-2021 By Allender, Baker, Beasley, Crawl, Enders)
	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken
	<input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass
	<input type="checkbox"/> Do Pass (as amended)
	<input type="checkbox"/> Committee Sub.
	<input type="checkbox"/> Without Recommendation
	<input type="checkbox"/> Hold
	<input type="checkbox"/>

architectural style.

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

Infrastructure and services are expected to be built to City standard in a manner which will be adequate for the development.

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

The subject property is suitable for mixed uses as proposed in the UR plan.

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

There is an existing building on site.

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

The plan is not expected to have a detrimental effect on nearby properties, in fact, the proposed development offers many positive factors. The development is a good continuation of new residential and commercial development in the area started by the Union Hill Redevelopment to the west, the Urban Coeur and Gillham Row Properties to the north and Crown Center also north. The proposed land use is in compliance with the land use recommendation of the area plan.

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

No gain to the public health, safety, and welfare was determined by staff due to denial of the application.

See Staff Report for more information.

Continued from Page 1

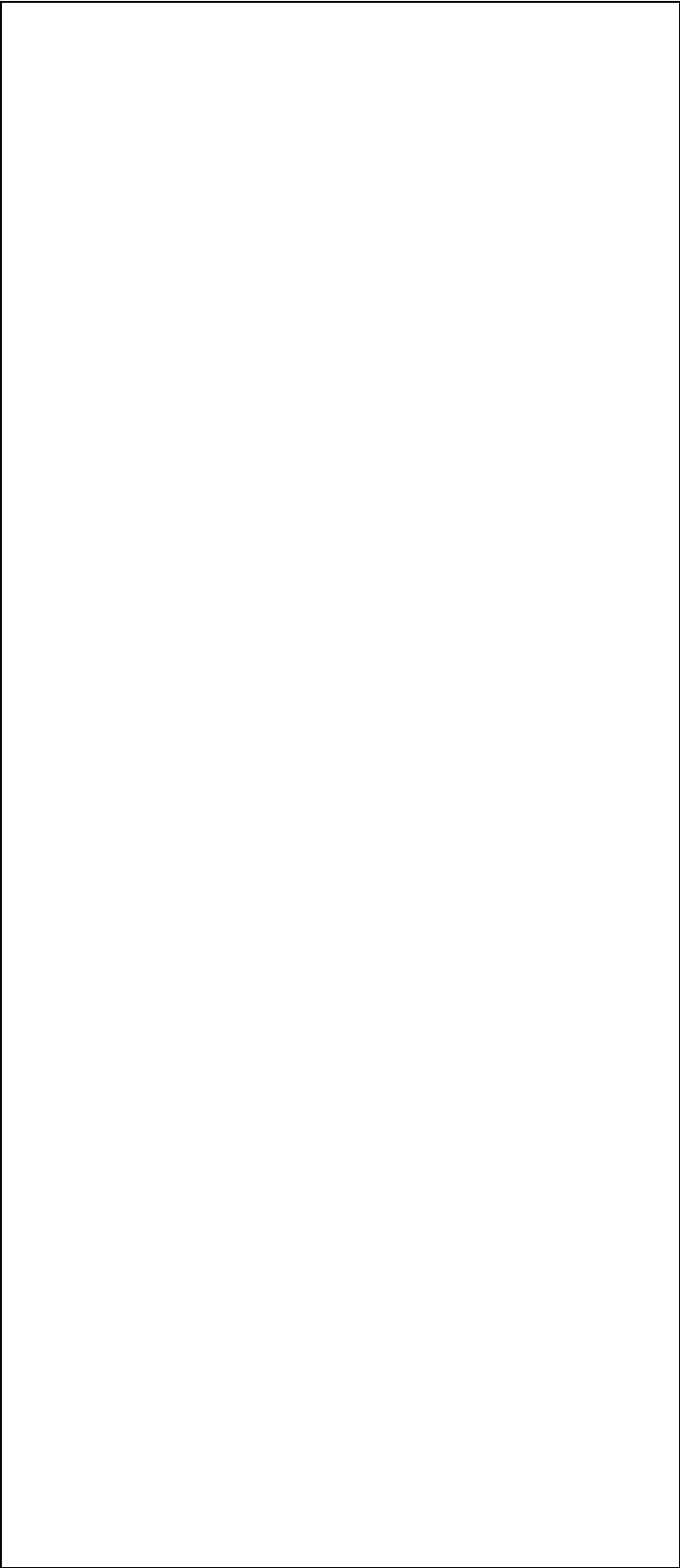
Do not pass

Policy or Program Change

Yes

No

Operational Impact Assessment



Finances

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

Continued from Page 2

Fact Sheet Prepared By: **Date:** 10/11/2021

Xue Wood
Staff Planner

Reviewed By: **Date:** 10/11/2021

Joe Rexwinkle, AICP
Division Manager
Development Management

Initial Application Filed: 8/20/2020

City Plan Commission: 10/5/2021

Revised Plans Filed: 9/9/2021

Reference Numbers:

Case No. CD-CPC-2020-00137



File #: 200810

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 200810

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

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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

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

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

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

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

..end

Approved as to form and legality:

Eluard Alegre
Assistant City Attorney

GENERAL

Ordinance Fact Sheet

200810

Ordinance Number

Brief Title HEALTH SCIENCES
 Approval Deadline _____
 Reason _____
COMMUNITY IMPROVEMENT DISTRICT

Details

Reason for Legislation

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

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

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

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

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

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

Positions/Recommendations

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

(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

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

Finances

Cost & Revenue Projections -- Including Indirect Costs	None
Financial Impact	NA
Fund Source (s) and Appropriation Account Codes	NA
Is this Ordinance or Resolution Good for the Children?	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 #: 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

Ordinance Number

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)

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 39th St are well-traveled routes. There is adequate public

Positions/Recommendations

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

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

Finances

Cost & Revenue Projections – Including Indirect Costs	
Financial Impact	
Funding Source(s) and	

--

Appropriation Account Codes	

Continued from Page 2

Fact Sheet Prepared By:	Date: 09-30-2021		
Ahna Nanoski, AICP Lead Planner			
Reviewed By:	Date: 09-30-2021	Initial Application Filed:	07-01-2021
Joe Rexwinkle, AICP Division Manager Development Management		City Plan Commission:	09-21-2021
		Revised Plans Filed:	NA
Reference Numbers:			
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

Ordinance Fact Sheet

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)

210901

Ordinance Number

Details

Location: Generally located 3933 Kenwood Ave.
Reason for Legislation: 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>PLAN REVIEW</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"> 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. 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. 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,
--

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	4 th District (Shields, Bunch)
Applicants / Proponents	<p>Applicant James (Alex) Hilton Grandbridge Real Estate Capital 2001 Shawnee Mission Pkwy Mission Woods, KS 66205</p> <p>City Department City Planning & Development</p> <p>Other</p>
Opponents	<p>Groups or Individuals</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>City Plan Commission (6-0) 09-21-2021 By Aye: Allender, Baker, Enders, Hill, Sadowski, Beasley, Rojas</p> <p><input checked="" 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.</p> <p><input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do not pass</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.

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

Finances

Cost & Revenue Projections – Including Indirect Costs	
Financial Impact	
Funding Source(s) and Appropriation Account Codes	

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 #: 210936

ORDINANCE NO. 210936

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

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

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

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

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

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

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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

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

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

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

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

Approved as to form and legality:

Katherine Chandler
Assistant City Attorney

GENERAL

Ordinance Fact Sheet

Ordinance Number

Brief Title: Santa Fe Area Council Urban Renewal Plan

Approval Deadline:

Reason:

Details:

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

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

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

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

Kansas City’s “Twenty Blocks of Black” and

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

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

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

Sponsor	
Programs, Departments, or Groups	Council District: 3rd

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

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