

June 6, 2023

Neighborhood Planning and Development Committee Members
Director Jeffrey Williams of City Planning and Development Department
Planner Jared Clements

Re: Ordinance No. 230310

Dear Councilmembers:

Plaza Westport Neighborhood Association (PWNA) is concerned about Ordinance No. 230310 as introduced: *There has not been any evaluation whatsoever on the parking impact on residential neighborhoods*, like Plaza Westport, that adjoin commercial areas and which already face parking encroachment from commercial uses such as “taverns”.

If Ordinance No. 230310 is intended to harmonize the Code, please do so in such a way as to **leave the parking requirements in place** for those establishments that have more than 30% of their revenue from liquor sales. We urge you to **keep the 50% standard for restaurants**.

PWNA’s concerns are:

1. Ordinance No. 230310 changes the definition of "restaurant" in Section 88-805-04-I to a lesser threshold for food sales, reducing the percentage from 50% to 30%.

- That single change has a significant impact on the applicable parking ratio under Section 88-420-06.
- Taverns must provide 20 parking spaces per 1,000 square feet. In contrast, restaurants must provide fewer, being 10 per 1,000 square feet.

2. Anywhere commercial uses encroach into residential neighborhoods, this code change could increase parking problems for neighborhood residents.

- For example, the proposed Strang Hall in the Cascade Hotel (46th Terrace and Wornall), was initially described by the developer as a "high-end" restaurant, but has become a food hall, with two bars (which are in addition to the bars for which the Cascade/Aloft Hotels have obtained a liquor license).
- Another example is the Puttery in the Jack Henry Building, a reduced percentage of food sales to qualify as a restaurant at 30% might enable them to meet that standard and reduce their aggregate parking requirement.

Robert K Martin, President – PWNA
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3. When Ordinance 230310 was submitted to the City Plan Commission [Case No. CD-CPC-2023-00030], the City Planning Department's staff report didn't flag the parking ratio difference between a "tavern" and a "restaurant."

- As it was a text change only, there was not any public engagement on the modification, notwithstanding the broad implications to those residential neighborhoods abutting commercial uses that are to be considered restaurants, with reduced parking requirements, rather than taverns, with higher parking requirements.

4. The Ordinance has broad implications: The residential portions of the Plaza Westport neighborhood could be impacted if "restaurants" with 70% of their sales from liquor are developed along the northern periphery of the Plaza. That is also true of the historic Midtown neighborhoods including Brookside and those along the streetcar route. We don't want core residential neighborhoods to bear the brunt of commercial development by LLCs with investors residing outside of those neighborhoods.

5. If the goal is to bring Chapter 88 and Chapter 10 into conformity, why not keep the 50% of food sales requirements for restaurants?

- There remains an inconsistency in the definition of "substantial quantities of food" in the definitional Section 10-1 of Chapter 10. That definition uses 50% as the standard.
- That term "substantial quantities of food" is used elsewhere in Chapter 10. It is used in Section 10-334 (2) (when a restaurant may remain open when liquor sales are prohibited) and Section 10-339(a) (related to employment of minors in establishments that sell liquor).
- A "bar-restaurant" is the term used in Chapter 10, and to which the 30% threshold already applies. Adding that existing term "bar-restaurant" to the zoning parking table, under the tavern category, would provide the most consistency, and doesn't require changing other municipal code provisions, such as the definition of "restaurant" and would also best serve the needs of residential neighborhoods.
- Keeping the 50% standard for restaurants would provide more consistency between Chapter 88 and Chapter 10 than reducing the standard to 30%.

Recommended Actions:

Either 1) continue to hold Ordinance No. 230310 until it can be modified to provide more consistency in the Code and to better serve the City's many residential neighborhoods that adjoin commercial areas, or

2) recommend denial of Ordinance No. 230310 if it remains unchanged.

Sincerely,



Robert Martin, President

PLAZA WESTPORT NEIGHBORHOOD ASSOCIATION