



Legislation Details (With Text)

File #: 240150 **Version:** 3 **Name:**
Type: Ordinance **Status:** Passed
File created: 1/31/2024 **In control:** Council
On agenda: 2/8/2024 **Final action:** 2/8/2024
Title: Sponsor: Councilmember Darrell Curls
 COMMITTEE SUBSTITUTE

Declaring a moratorium until August 8, 2024 on the issuance of any new liquor licenses for convenience-grocery stores, general merchandising stores where the licensed premises is less than 20,000 square feet, and liquor stores, provided that the moratorium shall not apply in certain circumstances; directing the City Manager to review current City Code, regulations, and policies regarding the issuance of liquor licenses to such establishments and assess the impacts of the issuance of such licenses on the community; and directing the City Manager to recommend any appropriate changes City Code, regulations, and policies to Council by July 17, 2024.

Sponsors: Darrell Curls

Indexes:

Code sections:

Attachments: 1. Docket Memo 240150 liquor license moratorium, 2. Authenticated Ordinance 240150 CS As Amended

| Date | Ver. | Action By | Action | Result |
|----------|------|---|-----------------------------|--------|
| 2/8/2024 | 1 | Council | Move to Amend | |
| 2/8/2024 | 1 | Council | Move to Advance | Pass |
| 2/8/2024 | 1 | Council | Passed as Amended | Pass |
| 2/7/2024 | 1 | Neighborhood Planning and Development Committee | Adv and Do Pass as Cmte Sub | Pass |
| 2/1/2024 | 1 | Council | referred | |

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 240150, AS AMENDED

Sponsor: Councilmember Darrell Curls
COMMITTEE SUBSTITUTE

Declaring a moratorium until August 8, 2024 on the issuance of any new liquor licenses for convenience-grocery stores, general merchandising stores where the licensed premises is less than 20,000 square feet, and liquor stores, provided that the moratorium shall not apply in certain circumstances; directing the City Manager to review current City Code, regulations, and policies regarding the issuance of liquor licenses to such establishments and assess the impacts of the issuance of such licenses on the community; and directing the City Manager to recommend any appropriate changes City Code, regulations, and policies to Council by July 17, 2024.

WHEREAS, Section 10-111(a)(3) of the Code of Ordinances defines a convenience-grocery store as a small retail business that primarily stocks a range of everyday items which includes, but is not limited to, groceries, snack foods, confectionary, toiletries, soft drinks, tobacco products, magazines, and newspapers; and

WHEREAS, Section 10-111(a)(4) of the Code of Ordinances defines a general merchandising store 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; and

WHEREAS, general merchandising stores where the licensed premises is equal to or greater than 20,000 square feet do not appear contribute to the peace, health, and safety problems that this moratorium seeks to address, and therefore the moratorium on the issuance of new liquor licenses shall only apply to those general merchandising stores where the license premises is less than 20,000 square feet; and

WHEREAS, Section 10-111(a)(7) of the Code of Ordinances defines a liquor store as a retail business that primarily sells pre-packaged alcoholic beverages; and

WHEREAS, the proliferation of convenience-grocery stores, general merchandising stores where the licensed premises is less than 20,000 square feet, and liquor stores appears to contribute directly to numerous peace, health, safety and general welfare problems including loitering, littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots; and

WHEREAS, the existence of such problems creates serious impacts on the health, safety and welfare of residents within the city, including the safety of children, elderly residents, and visitors; and

WHEREAS, such problems also contribute to the deterioration of neighborhoods, concomitant devaluation of property, and the destruction of community values and quality of life; and

WHEREAS, the City Council finds that in the interest of protecting the public safety, health, and welfare of Kansas Citians, it is imperative that the City Manager review current City Code, regulations, and policies concerning the issuance of liquor licenses for convenience-grocery stores, general merchandising stores where the licensed premises is less than 20,000 square feet, and liquor stores, as well as assess the impact of the issuance of such licenses on the community; and

WHEREAS, the City Council believes the adoption of a temporary moratorium on the issuance of new liquor licenses for convenience-grocery stores, general merchandising stores where the licensed premises is less than 20,000 square feet, and liquor stores is necessary to allow City staff sufficient time to analyze the impact that such licenses currently pose and are likely to pose in the future so that appropriate regulatory control changes may be adopted; and

WHEREAS, the temporary moratorium shall only apply to the issuance of new liquor licenses for convenience-grocery stores, general merchandising stores where the licensed premises is less than 20,000 square feet, and liquor stores and shall not apply to any application for renewal, transfer, or change in license for any currently existing licensed establishment; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Council hereby declares that there is a moratorium until August 8, 2024 on the issuance of any new liquor licenses for convenience-grocery stores, general merchandising stores where the licensed premises is less than 20,000 square feet, and liquor stores. Applications for convenience-grocery stores, general merchandising stores where the licensed premises is less than 20,000 square feet, and liquor

stores for: (1) liquor license renewals, transfers, or change in license for any currently existing licensed establishment; (2) the issuance of a new liquor license to an establishment wherein the construction of the convenience-grocery store, general merchandising store, or liquor store has previously been approved by the City Council through approval of a development plan or master plan development plan; (3) the issuance of a new liquor license to an establishment wherein the construction of the convenience-grocery store, general merchandising store, or liquor store involves the demolition of an existing convenience-grocery store, general merchandising store, or liquor store on or adjacent to the same property and located in manufacturing (M) zoning district and not within 200 feet of a residential (R) zoning district; (4) and those applications wherein the 30-day eligible neighbor notification period as provided for in Section 10-214 has elapsed prior to the effective date of this ordinance are not subject to this moratorium. Notwithstanding the foregoing, the issuance of new liquor licenses for convenience-grocery stores, general merchandising stores, or liquor stores that meet the criteria within this Section 1 are permitted within 200 feet of a residential (R) zoning district if the property abuts an interstate highway.

Section 2. That the City Manager is directed to review current City Code, regulations, and policies concerning the issuance of liquor licenses for convenience-grocery stores, general merchandising stores where the licensed premises is less than 20,000 square feet, and liquor stores, assess the impact of the issuance of such licenses on the community, and report back to the City Council with any recommendations by July 17, 2024.

Approved as to form:

Andrew Bonkowski
Assistant City Attorney