



Legislation Details (With Text)

File #: 240639 **Version:** 1 **Name:**

Type: Ordinance **Status:** Held

File created: 7/24/2024 **In control:** Neighborhood Planning and Development Committee

On agenda: 7/30/2024 **Final action:**

Title: Sponsor: Councilmember Darrell Curls

Extending a moratorium until October 7, 2024, on the approval of any new permits, including building code permits and special use permits, plan review, project plans, and zoning changes, where the subject matter of the project is a proposed gas station, provided that the moratorium shall not apply in certain circumstances; and directing the City Manager to review and recommend any appropriate changes to the Zoning and Development Code or other City regulations regarding gas stations by August 6, 2024; reducing the Contingent Appropriation in the General Fund and appropriating same to cover notification expenses; and declaring this ordinance as having an accelerated effective date.

Sponsors: Darrell Curls

Indexes:

Code sections:

Attachments: 1. Docket Memo 240639, 2. NPD 240639

Date	Ver.	Action By	Action	Result
9/10/2024	1	Neighborhood Planning and Development Committee	Hold off Agenda	
7/30/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
7/25/2024	1	Council	referred	

ORDINANCE NO. 240639

Sponsor: Councilmember Darrell Curls

Extending a moratorium until October 7, 2024, on the approval of any new permits, including building code permits and special use permits, plan review, project plans, and zoning changes, where the subject matter of the project is a proposed gas station, provided that the moratorium shall not apply in certain circumstances; and directing the City Manager to review and recommend any appropriate changes to the Zoning and Development Code or other City regulations regarding gas stations by August 6, 2024; reducing the Contingent Appropriation in the General Fund and appropriating same to cover notification expenses; and declaring this ordinance as having an accelerated effective date.

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

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

WHEREAS, the City Council finds that in the interest of protecting the public safety, health, and welfare of Kansas Citizens, it is necessary to review regulations concerning the placement, establishment, and operation of businesses involved in the sale of gasoline, diesel, and other motor vehicle fuel products; and

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

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Council hereby declares that there is a moratorium until October 7, 2024, on the approval of any permits, including building code permits and special use permits, plan review, project plans, and zoning changes, where the subject matter of the project is a proposed gas station. Applications for gas stations that are for: (1) plan review and issuance of permits, including building code permits and special use permits, for existing gas station uses that simply maintain status quo but do not include a request to expand existing facilities; (2) the construction of new gas stations that have been previously approved by the City Council through approval of a development plan or master planned development plan; and (3) the construction of a new gas stations that involve the demolition of an existing gas station on or adjacent to the same property and located in a manufacturing (M) zoning district and not within 200 feet of a residential (R) zoning district are not subject to this moratorium. Notwithstanding the foregoing, all gasoline and fuel sales that meet the criteria within this Section 1 are permitted within 200 feet of a residential (R) zoning district if the property abuts an interstate highway.

Section 2. That the City Manager is directed to review and recommend any appropriate changes to zoning and other relevant regulatory controls over the uses subject to the moratorium and to report back to the City Council by August 6, 2024.

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

Section 4. That the City Manager or his designee shall establish a program for the purpose of informing the business community of the moratorium.

Section 5. Reducing the following appropriation in the General Fund by the following amount:

25-1000-179990-B	Contingent Appropriation	\$1,000.00
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Section 6. That the sum of \$1,000.00 is hereby appropriated from the Unappropriated Fund Balance of the General Fund:

25-1000-101435-613980	Advertising Expense	\$1,000.00
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Section 7. That the City Manager is hereby designated as requisitioning authority for Account No. 25-1000-101435-613980-B.

Section 8. That this Ordinance is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(C) of the City Charter in that it appropriates money, and shall take effect in accordance with that section.

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

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

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney