

RESOLUTION NO. 03-12-20A

A RESOLUTION PURSUANT TO 3-202(b) OF THE CITY CODE OF THE CITY OF EDGERTON, KANSAS WAIVING THE DISTANCE REQUIREMENT PROHIBITING THE SALE AND SERVICE OF ALCOHOLIC LIQUOR AT THE FULL DRAW BAR AND GRILL, LOCATED AT 100 E. 2ND STREET, EDGERTON, KANSAS

WHEREAS, pursuant to Chapter III, Article 3, Section 3-301 of the City Code of the City of Edgerton, Kansas, it is unlawful for any person granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license with the City without first obtaining a City license from the City Clerk; and

WHEREAS, on or about February 28, 2020, Tiffany Riddle submitted a City of Edgerton Drinking Establishment Application to operate the Full Draw Bar and Grill located at 100 E. 2nd Street, Edgerton, Kansas; and

WHEREAS, pursuant to Chapter III, Article 3, Section 3-202(a) of the City Code, no retail package liquor nor any alcoholic liquor may be sold or served by a person holding a license or permit from the City whose place of business or other premises are located within two hundred feet (200') of any church, school, nursing home, library, or hospital, said distance to be measured from the nearest property line of such church, school, nursing home, library, or hospital, to the nearest portion of the building occupied by the premises; and

WHEREAS, pursuant to Article 3, Section 3-202(b) of the City Code, the distance requirement of 3-202 (a) does not apply to a club, drinking establishment, caterer or special event permit holder when the license or permit applicant petitions for and receives a waiver of the distance limitation from the Governing Body. Such a waiver may only be granted by the Governing Body following public notice and hearing and a finding by the Governing Body that the proximity of the establishment is not averse to the public welfare or safety; and

WHEREAS, the location of the Full Draw Bar and Grill is located approximately 149 feet from The Edge Ministry Center located at 203 E. Morgan Street and thus a waiver from the Governing Body is necessary for this establishment to be in compliance with the City of Edgerton Municipal Code; and

WHEREAS, notice of a public hearing to discuss such a distance waiver on this matter was published on March 4, 2020 in the Gardner News informing the public of a hearing to be held on March 12, 2020; and

WHEREAS, a public hearing was conducted during the City of Edgerton Council Meeting on March 12, 2020; and

WHEREAS, following that hearing, the City Council wishes to approve such a waiver allowing operation of the Full Draw Bar and Grill.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, THAT:

SECTION ONE: Finding: That the Governing Body, after receiving a request from Tiffany Riddle, operator of the Full Draw Bar and Grill, and after a hearing held on the matter, does hereby find and conclude that the proximity of the requested location for the sale and consumption of alcoholic liquor is not adverse to the public welfare or safety, and the Governing Body's conclusion is further supported by the fact that the Boxcar Bar and Grill operated on this same premises for several years without any adversity to the public welfare or safety.

SECTION TWO: Waiver Granted: That the Governing Body, pursuant to Chapter III, Article II, Section 3-202 of the Edgerton City Code, hereby grants the waiver requested by Tiffany Riddle, operator of the Full Draw Bar and Grill, subject to the following stipulations:

- a) The applicant must complete the work necessary to close the building permit issued in 2013 (13-1331).
- b) The applicant must apply for a building permit for any additional work performed on the premise. The required inspections must also be scheduled, and the work performed to the specifications of the building code.

SECTION FOUR - Effective Date: This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 12th DAY OF MARCH 2020.

ATTEST:


Chris Clinton, City Clerk



CITY OF EDGERTON, KANSAS

By: 
Donald Roberts, Mayor

APPROVED AS TO FORM:


Lee W. Hendricks, City Attorney