

Maureen Stinson

From: John Pinegar <jpinegar@sbcglobal.net>
Sent: Tuesday, February 17, 2015 5:27 PM
To: Steve Huebert; John Alcala; Tom Phillips
Cc: John Doll
Subject: House Bill No. 2162
Attachments: Hubert.ltr(Signed).pdf; Wharton.ltr(Signed).pdf

Dear Mr. Chairman Hubert, Mr. Vice-Chairman Phillips and Mr. Ranking Minority Member Alcala:

Attached are two letters in support of House Bill No. 2162. The Assistant City Attorney was able to get in touch with Pastor Zavala of Iglesia Del Senor. With the assistance of a translator, they discussed the concept of HB 2162 and Pastor Zavala verbally confirmed to the Assistant City Attorney that he was not in opposition of the proposed legislation. Thus, attached is a letter reflecting their discussion.

Additionally, attached is a letter from Deborah Wharton a property currently leasing to a church.

I am please to answer any questions you may have on this matter. Thank you.

John Pinegar
Telephone 785-235-6245



February 13, 2015

The Honorable Steve Hubert, Chairman
House Committee on Local Government
Room 149 South, State Capitol
301 SW 10th Avenue
Topeka, Kansas 66612

CITY COMMISSION

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Mayor

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City Manager

MELINDA A. HITZ, CPA
Finance Director

RANDALL D. GRISELL
City Counselor

CITY ADMINISTRATIVE

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301 N. 8TH
P.O. BOX 998
GARDEN CITY, KS
67846-0998
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Re: House Bill 2162

Dear Mr. Chairman:

I am writing this letter as a follow up to my oral testimony on February 5, 2015 concerning my support, as Assistant City Attorney for the City of Garden City, Kansas, of House Bill 2162 ("HB 2162"). As I indicated during my oral testimony, one (1) of the two (2) churches in Garden City that would be affected by HB 2162 was made aware of the concept prior to it being submitted to the legislature and indicated they have no objection to the same. As for the second property that would be affected, I personally contacted Alfredo Zavala, Pastor of Iglesia Del Senor. With the assistance of a translator, I was able to visit with Pastor Zavala about the concept and ramifications of HB 2162. After our discussion, I can confirm that he and his congregation are not opposed to the proposed legislation. Further, I reached out to the property owner, Deborah Wharton, and confirmed that she does not have any opposition to HB 2162. In fact, she has voiced this sentiment in a letter to you under date of February 11, 2015.

As one is prone to do, I have reflected on the questions and concerns raised by you and your fellow Committee members during the hearing on February 5, 2015. As I previously mentioned, HB 2162 is intended to entice development in central business districts by allowing retailer's licenses, microbrewery licenses, microdistillery or farm winery licenses to be issued to otherwise eligible individuals or entities without any prohibitions due to their proximity to schools, churches or colleges. During the hearing, one of the questions posed was whether the proximity preclusion enumerated at K.S.A. 41-710(c) applied to establishments serving liquor by the drink, with the short answer being no. Regulations of liquor sales and consumption by the drink are found in K.S.A. Chapter 41, Article 26. Within Article 26, there exist **no prohibitions** on the proximity of premises serving liquor by the drink to any other types of entities. Thus, a restaurant or bar could be located next to a school, church or college without any state law prohibitions.



In an effort to maximize local flexibility, HB 2162 provides cities in Kansas with the option to exempt their community from the proximity preclusions enumerated in K.S.A. 41-710(c) by enacting an ordinance. Given the concerns voiced by the Committee regarding notice to existing churches and property owners, this "local option" is a particularly attractive feature as it would require notice of the ordinance to be provided in advance of a governing body's enactment. Further, it would allow for residents of these communities to voice their opinions to their local governing body in advance of an ordinance being enacted.

In closing, I would like to thank you and the other members of this Committee for your consideration of my thoughts on HB 2162. It has been a pleasure being a part of the democratic process.

Sincerely,

/s/ Jacob M. Cunningham

Jacob M. Cunningham

JMC:gac

pc: Matthew C. Allen, City Manager

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February 11, 2015

The Honorable Steve Hubert, Chairman
House Committee on Local Government
Room 149 South, State Capitol
301 SW 10th Avenue
Topeka, Kansas 66612

Re: House Bill No. 2162

Dear Mr. Chairman:

My husband and I own multiple properties in Garden City, Kansas, including 702 N. Main Street. I point out this property as it is currently leased to a local church and is located in the central business district of Garden City, Kansas. After visiting with Jacob Cunningham, Assistant City Attorney of Garden City, Kansas, I agreed to provide this letter indicating that I understand the ramifications of House Bill 2162 on my property and to confirm that I am not in opposition.

As an owner of property in downtown Garden City, I understand the difficulties in attracting new development and long term tenants, and feel this proposed legislation may alleviate some of those issues. One of my biggest complaints regarding zoning regulations is that they over-regulate the uses of property and in turn devalue property. House Bill 2162 appears to give local governments the ability to remove some of the over-regulations of property use and possibly create new development opportunities.

I appreciate you taking my thoughts into consideration during your review of House Bill 2162.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Wharton", written in a cursive style.

Deborah Wharton