

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**February 9, 2023**

**Case Number 66-2023**

**A request by Smith Lewis, LLP (agent), on behalf of Arcade District, LLC (Owner), seeking approval of a conditional use permit to allow a "bar" within an existing distillery. The 0.5-acre property is currently zoned IG (Industrial), is located approximately 400 feet south of the intersection of Wilkes Boulevard and Fay Street and is commonly addressed 700 Fay Street.**

MS. GEUEA JONES: May we please have a staff report.

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the CUP for a "bar or nightclub" use as requested on the approximately 0.5-acres, commonly addressed as 700 Fay Street, subject to:

1. An ADA-compliant sidewalk, striped crosswalk, and appropriate signage are constructed, by the owner, at a location on Fay Street that will not require utility relocation and is acceptable to the City Traffic Engineer.

MS. GEUEA JONES: Thank you very much. Before we go to questions for staff, if any member of the Commission has received any outside communication from parties or other interested folks on this case, please disclose it now so that we all have the same information. Seeing none. Any questions for staff? Commissioner Burns?

MS. BURNS: Could you please go back to the interior configuration of the three areas? Thank you. In thinking about the parking that is, what, 12 stalls, 80 percent of the required parking, if the bar was expanded, would that trigger additional parking for this location? What I'm saying is it sounded like that they had -- their fabrication had already outgrown the use in the space, and so that possibly other uses, maybe additional bar use, could be moved into the yellow area. Is it a total square footage of the space that triggers the parking requirement, or is it -- does the bar impact?

MR. KELLEY: Yeah. So the manufacturing space here, there's 2,000 square feet. That just requires two spaces. The parking ratio for that is one parking stall is required for every 1,000 square feet of the manufacturing space, whereas for the bar, the ratio is one space per every 150 square feet. So, yes. If the bar space -- if they started to reuse the manufacturing space for a bar, they would require significantly more parking.

MS. BURNS: And how would we check on that?

MR. KELLEY: They would file a building permit and then we review that through the change of

use. We would examine the parking that they're providing. So one -- and we would say, well, do they meet the 75 percent minimum and look at it that way.

MS. BURNS: The parking looks at a premium, so I was just curious if the use did change, how additional parking could be converted. Thank you.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Thank you, Commissioner Burns. It's a very interesting -- I was there today and I didn't consider that. We'll look into this possibility. I have two questions for my -- I just was on the outside. The lane/street that is in front of the property, is that owned by Mr. Campbell? Does the City own that? Does COLT own that? Is it drivable? Because it's not really marked, and I was wondering if -- I was wondering about people parking there if that's a public right-of-way or emergency exit or something like that.

MR. KELLEY: It's right-of-way for the COLT Railroad. It's not a named street. I talked to the State traffic engineer. He called it a service road for the COLT Railroad. It doesn't show up on the City map as street right-of way, per se.

MR. MACMANN: Okay. To follow up on that, COLT is not really coming down much -- downtown much anymore. That railroad is really not in use, not that it can't be used. But, to my knowledge, COLT is not really bringing things downtown. Is that -- my question is the -- this bar is right next to a functional railroad line, and I was wondering about safety issues in regard to that.

MR. KELLEY: I -- I don't know about the word functional necessarily. My last knowledge of service on this road is that there is a bridge for the COLT Railroad that was in disrepair and there was one customer affected by that. I know the City has made other decisions specifically about there's a street opened up on -- that made connection into Paris Road that was adding an at-grade crossing to the rail, and -- and I know that decision was made with the knowledge that COLT was not currently in service, and that decision would not have been made if COLT were in service.

MR. MACMANN: Well, let me -- let me pop forward. Were COLT to come -- I know of -- I know of this customer and they're not necessarily happy about not having rail service anymore. If that rail service was to come back, just as a supply service, not a dinner train or anything like that, will that change the analysis of the functional -- functionality of this property?

MR. KELLEY: It could, yeah. I mean, you're talking about --

MR. MACMANN: Because it's 15 feet away, 20 feet away? It's not far.

MR. KELLEY: Uh-huh.

MR. MACMANN: And I -- you know, I'm all for it. It's a great thing in likes of the area redone. I'm just concerned about, number one, people parking on that. I actually drove on that today, and I've driven on it before because I'm like -- because it didn't -- it has been repaved or concreted, if you will in the last few years, and before it wasn't really drivable, and now it is drivable. So I'm just worrying about vehicles coming up and down that lane and are we safe enough. Will the patrons be safe enough for the railroad if the railroad comes back in use, because right now we're on a, like, a policy moratorium. We're not using

the railroad because it's not workable upstream so to speak, but that doesn't mean it's -- I mean, the railroad works, it was functional. And do we know how we would make that analysis if the railroad did again become functional?

MR. KELLEY: Yeah. I think my main concern would then be pedestrians crossing the COLT Railroad there along Fay, people walking across that if that were an active rail line; I think that would be my main concern. One other thing that I noted was the -- on the City's CIP list, it does show the COLT Railroad Trail proposed phase of this roughly 2030, I think is what I saw, so I was balancing --

MR. MACMANN: That is unfunded, though. That's a conceptual --

MR. KELLEY: Yeah.

MR. MACMANN: Yeah. Okay. I appreciate bouncing this off you because there were some unanswered questions that I have. Thank you very much. Thank you, Madam Chair.

MS. GEUEA JONES: Thank you. Anyone else, questions for staff? Sorry. Commissioner Stanton?

MR. STANTON: Madam Chair, I'll go after you.

MS. GEUEA JONES: Oh, thank you. Yeah. I -- I guess my question is similar to Commissioner Burns. If they were to start using the green space as outdoor, you know, recreation, whether it's through the tasting room or retail sampling or something of that nature, that's going to drive a lot more traffic, as well. Will that go into the calculation or I'm assuming they're not prohibited from doing that with that green space?

MR. KELLEY: Correct. I don't think that would factor in to my knowledge.

MS. GEUEA JONES: Okay.

MR. KELLEY: With just yard -- yard space.

MS. GEUEA JONES: Okay. My other question is it looks to me that the other lots that people might illegally park in are Columbia College lots around there or other business lots. There aren't any City owned lots or public parking lots around there. They're all private. Correct?

MR. KELLEY: Correct. There is on -- the only public parking that would be available or that I would be aware of is the street parking on Fay Street.

MS. GEUEA JONES: Thank you very much. Commissioner Stanton?

MR. STANTON: I don't want to beat a dead horse, but I've had recent experience with the railroad and they're tough customers. I don't -- so I guess my worry, my thing is who's going to bite the bullet and who's responsible for that railroad even being dead or alive, and if it's alive, who's responsible for the safety measures that I know all railroads have along their rails? That -- was that put into your -- was that put into your formula, or were you -- are you just that confident enough to know that COLT is dead forever and, whether they'll look around for them -- you know --

MR. KELLEY: Not necessarily. Public Works has made traffic engineering decisions based on the understanding that the COLT Railroad is not active right now, and I was largely leaning on that.

MR. STANTON: Okay.

MR. ZENNER: I think what we have to keep in mind here is if it is a COLT Railroad service road and the property line for this particular building is at that service road boundary, this, in essence, is what would normally be addressed through a right-of-use permit for them to be able to access that access road to access their rear parking. If we are required to provide safety measures and we choose to fence along our property line or where our rights of ownership end, that is our choice, and at that point, accommodation may need to be given for the existing access that is here in order to do that, or the operator is going to have to relocate how they get to the rear of their building to access their parking. Right now, the analysis has been done based upon how the operational characteristics are of the existing rail line based upon the additional support and documentation that's been provided by the City's traffic engineer. So, I mean, the -- the scenarios that are being asked here, if we included that or something that really wasn't included generally, this is an existing condition. This is how this building accesses its rear parking, and that will either have to be addressed at a later date through some other fashion that the City has, or it's going to continue to access as it does today.

MR. STANTON: So this service road is used at the pleasure of COLT at this time, basically?

MR. ZENNER: That would probably be, and those that -- the service road is actually probably being used by the adjoining businesses at the leisure of COLT --

MR. STANTON: Yes.

MR. ZENNER: -- not COLT is using the road at their leisure. They own it, they're not enforcing limiting people from using it. It is a means of access to these existing structures.

MS. GEUEA JONES: Anyone else, questions for staff? Seeing none. We will open the floor to public comment.

#### **PUBLIC HEARING OPENED**

MS. GEUEA JONES: Are there any members -- please come forward. Speak directly into the microphone. Give us your name and address for the record. We give six minutes to groups, three minutes to individuals. Welcome.

MS. LAMAR: Good evening. My name is Phebe Lamar; I have offices at 111 South Ninth Street. I'm here this evening on behalf of the Arcade District, LLC, which owns the property at 700 Fay Street south of Wilkes, as well as Isham's Ordinary, LLC, which is the owner and operator of the Six-Mile Ordinary Distillery that is currently located in that building. As staff has mentioned, some of the distillery operations have been relocated because Six Mile Ordinary has outgrown the facility on Fay Street. As a result, the desire is to convert part of the space in this building, not the whole space, into a tasting room, and include education regarding the distillation process, as well. The property is zoned IG, which means that although the distillery functions are permitted as of right, the tasting room requires a conditional use permit. There are several criteria for determining whether a conditional use permit may be granted. I'm going to go through all of them. First, does the proposed use comply with all standards and provisions in the ordinances for the zoning district. As staff pointed out in its report, the proposed tasting room use is common in conjunction with this type of distillery. I've been to some of them myself in a number of other

towns, which is appropriately located here. The building complies with all zoning requirements and the necessary amount of parking is provided. Secondly, is this use consistent with the comprehensive plan? In a word, yes. This promotes infill development and a small scale entrepreneur with retail and service components in a walkable environment. Will the use be in conformance with the character of the adjacent area in the same zoning district? Also yes. The area is in the process of transitioning to an entertainment and recreation district. The use is consistent with the recent development in the area such as the mixed-use building across the street, Logboat Brewery down the street, et cetera. Is adequate access provided and does the design prevent traffic hazards and minimize traffic congestion? The issue was the one that we addressed most in detail in regard to this plan. Staff expressed concerns with pedestrian access and a visit to the site suggests that while it's uncertain whether this would actually be an issue, the owner of this property, who also owns other properties in the areas, as well, is willing to address it in the fashion requested by City staff. Specifically, he will construct an ADA compliant sidewalk on the portion of the property that does not require relocation of utilities and will provide a crosswalk in a location to be determined by City traffic. The Arcade District is, of course, willing to make these improvements to the public infrastructure in order to advance the safety and well-being of pedestrians and other visitors in the area. Also, given the number of vehicles that are frequently left parking on Fay Street, which includes a number that are damaged or otherwise unattended, we would like to start a conversation about how to address that issue going forward, whether that be by metered parking or in some other fashion. The next criteria is whether there's sufficient infrastructure and services to support the proposed use. Unequivocally, yes. The site is served by all utilities with sufficient capacity for the proposed use, in addition to the current use. Finally, will there be any significant adverse impacts to surrounding properties from allowing the tasting room? The answer is no. There's sufficient parking and the requirements imposed by City staff will actually improve pedestrian access in the area, so there will be absolutely no adverse impact. Given all these considerations, as well as analysis of the surrounding uses, which includes Beat Box just south and across the railroad, Logboat Brewery, a little further south, the Mule Barn south of that, and Columbia College right across the street from the property, permitting the proposed tasting room in this location is a reasonable proposal. I'm happy to answer any questions.

MS. GEUEA JONES: Thank you very much. Are there any questions for this speaker?

Commissioner MacMann, and then Commissioner Burns.

MR. MACMANN: Thank you, Madam Chair. Good evening, Attorney Lamar. How are you?

MS. LAMAR: Good evening. Good.

MR. MACMANN: I'm -- I'm totally for this. I think it's a great idea. And I'm just -- some of the questions -- I'm sure you followed us. We were discussing this up here. That's currently City property, and there doesn't appear to be an easement right-of-way situation. And I'm sure one could be worked out. I just -- I would be -- love to have a business open and their primary access to their thing is through someone else's property, and that's not resolved. A couple of things. I would -- I don't know about the other Commissioners, but I don't view my approval to be predicated on that particular thing, but I do think

it needs to be resolved. As far as your generalized request about parking on Fay, there's a concept in planning called coming to the hazard, and in that the businesses up the street who use Fay for parking of their vehicles. And I appreciate, as Mr. Campbell is developing this property, there will be greater need for public parking right now, but I think maybe that's a joint discussion to be had with those property owners first, and maybe everybody coming to the City. With that said, I think this is a great concept. I was by there today. Looks great. I've known two previous occupants of the building. It's fantastic now. You wouldn't recognize it. I thought it needed a bulldozer before, and he has done -- he really has done one thing, because it did -- it did need a bulldozer. So, like I said, I -- I take it back to Mr. Campbell, they could figure out -- I think it's in your all's interest to figure out access on that because it's -- I don't know. I'm assuming COLT paid for that alley, lane, road, service, whatever it is, because it used to be kind of a ditch with gravel in it. But other than that, I wish you luck. Thank you, Madam Chair.

MS. LAMAR: Just to respond briefly. There is access to the property from Fay Street, also. It's not ideal necessarily, but there is access.

MR. MACMANN: I missed -- on that far side. Yeah.

MS. LAMAR: Yeah. It's -- it's going to be an issue at some point if they close that road.

MR. MACMANN: I would think an agreement could be had, but that's between you and the City -

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MS. LAMAR: I suspect that there can be.

MR. MACMANN: -- the City and COLT.

MS. LAMAR: Generally, people are willing to cooperate at that point.

MS. GEUEA JONES: Thank you. Commissioner Burns?

MS. BURNS: Thank you. I'm still trying to figure out the use and capacity for the tasting room. In the application, it -- it's a conditional use permit to allow a bar within an existing --

MS. LAMAR: That's -- so the -- the way that the ordinance is -- is written, the only category, per se, that is listed in the ordinance that they can fit a tasting room into is a bar. So that's what -- that's what it got categorized as.

MS. BURNS: Will drinks be sold by the glass?

MS. LAMAR: I believe they will be. And then there will also be occasions where it'll be a tasting that you do in conjunction with a tour and that sort of thing. It'll be both ways.

MS. BURNS: I'm still just getting back to the parking and, again, the use and capacity. If you have a lot of people who are enjoying tasting or buying a drink, parking could be at a premium.

MS. LAMAR: It's possible, but we've met the requirements of the ordinance, and at the end of the day, there is also quite a bit of street parking in that area, et cetera. I mean, frankly, part of the City of Columbia's approach to things has been to say we want to minimize parking. We want people to walk. This is a perfect opportunity to implement that.

MS. BURNS: Thank you.

MS. GEUEA JONES: Any other questions for this speaker? I have some questions building on

what Commissioner Burns was saying. My concern is that people will, in fact, walk, and will end up parking not in your lot, they will find other parking. People are very resourceful. And while we believe the COLT Railroad is done and shut down, someone walking from one bar, such as the Arcade, across a railroad track to another bar, could end up very seriously injured even if there are no trains because the track is not safe to walk on because it's not built to be walked on. So, I mean, I guess my -- my questions for you -- I'm just stating that's my concern. My question for you is, is this, in fact, a tasting room, or is this, in fact, an open-to-the-public bar?

MS. LAMAR: I believe it's going to be both. And at the end of the day, we've already gone down the pathway you're describing with the building directly across the street from this one, which was built based on pedestrian standards. So we've got this issue whether this particular conditional use permit is granted or not.

MS. GEUEA JONES: No, I don't think that's true, because, right now, everything is on the same side of the railroad tracks.

MS. LAMAR: If you -- if you look at --

MS. GEUEA JONES: And you are asking -- like, you are creating an attraction on the opposite side of the railroad tracks.

MS. LAMAR: Okay. So 709 Fay Street --

MS. GEUEA JONES: Uh-huh.

MS. LAMAR: -- is on the same side of the railroad as what you're talking about, and is, in fact, built to pedestrian standards. It's an M-N use built to pedestrian standards. So what you're describing is an issue whether you grant this conditional use permit or not.

MS. GEUEA JONES: I don't think you're understanding my issue, but that's okay. So you haven't thought about the liability and where it would fall and how that would be divided between you and the COLT Railroad?

MS. LAMAR: So the COLT Railroad is going to have liability if they hit somebody in their -- in their --

MS. GEUEA JONES: I'm not talking about hitting. I think we're pretty sure that there aren't trains traveling regularly. I'm talking about your traversing a railroad that is an area of ground that is owned as a railroad track that is not being maintained.

MS. LAMAR: Okay. This question I'm completely lost by.

MS. GEUEA JONES: It's okay. Don't worry about it. My -- my concern is, yes, we like to minimize parking. Yes, you have the amount of parking for the 900 square feet. You also have a massive green space. You also have a large retail space, and you also have a large space where you'll be doing demonstrations, all of which you could have people in. So it's not so much that I'm worried about people who are coming just to the bar, I'm worried that there are a lot more people than that 900 square feet will hold. They will find parking elsewhere, and we will end up having regular injuries in that area. But if you are right, you are doing the minimum, so thank you. Any other questions for this

speaker?

MS. LAMAR: Can I -- can I respond to that for just a moment?

MS. GEUEA JONES: Sure.

MS. LAMAR: So not only are we doing what is required, but we're doing everything that we can possibly do on that site. So at the end of the day, if we want to encourage infill, which is absolutely in the comprehensive plan, and is absolutely one of the things that City Council and everybody else that I've ever spoken to who is associated with the City says that we want to do, part of doing infill is using the space that's available. So I -- I see your point, although with regard to 709 Fay Street, I'm pretty sure I understood your questions, and I'm -- and I'm right. But at the end of the day, we are supposed to encourage infill and this is how you do it.

MS. GEUEA JONES: My concern isn't your proposal. My concern is you've got a lot of extra space there, and there is an incentive for you to use it, and you will need way more parking than you have, and 709 has its own lot. But, again, that's okay.

MS. LAMAR: No, it doesn't. That's a lot associated with the City. I promise you 709 Fay Street was built to pedestrian standards.

MS. GEUEA JONES: Okay. Any other questions for this speaker? No. Thank you very much.

MS. LAMAR: Sure.

MS. GEUEA JONES: Is there anyone else here to speak on this case from the public? Seeing none.

#### **PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Commissioner comments? Commissioner MacMann?

MR. MACMANN: A couple of things, pro and con and informative. They do have that side yard which they convert to parking. I might be and we might all be more comfortable in the future if, you know, you are, too, for a period of time, the need for parking and safety was readdressed, because these are not resolved issues. Regarding the railroad crossing, some of you may remember -- Anthony probably does -- this -- the railroad crossing spent a lot of time under water with stormwater, sewage, a variety of things, and the City spent a significant amount of money -- I'm not sure what that was -- a significant amount of money to change the drainage there and increase that crossing -- and improve that crossing for driving and pedestrian use. While I must admit I have never walked across that railroad while intoxicated, I do not have -- have not had an issue of it because the concrete comes pretty close up to the tracks. I'm more concerned with the unknown future and nature of COLT, and the need for additional parking, et cetera, et cetera. I mean, this place -- I mean, I looked at it today. They're -- they're close to being ready. If we approve them, they're going to be open in just a couple of months. They're, you know, putting stuff in there right now. And I don't know, and that's a little -- I know we have Commissioner -- or Manager Zenner, this is a question, I think, for you. I know we have a lot of flexibility on conditional use permits, and I think what you're hearing up here is that we think this is a great idea, but we're worried about what if it gets popular. Can we make condition of revisiting some of these issues that we have by



City personnel at some point in the future? Can we do that?

MS. GEUEA JONES: Is that a legal counsel question?

MR. MACMANN: It might -- and I don't -- whoever -- whomsoever has to answer that question.

MS. THOMPSON: Say that again, Mr. MacMann.

MR. MACMANN: Well, as it stands right now, the given traffic uses and pedestrian uses and their proposed uses, I think they're fine. Were it to grow, the vehicular access to the parking lots is not truly resolved, and there may be safety issues in the future, particularly if this space expands, and I can tell you they can expand into what's called the retail space very easily. Can we put a condition upon this for health and safety, or something like that, to revisit some of these pedestrian and automobile issues? I've never done that, but you're hearing the concern up here. Right?

MS. THOMPSON: And, again, what -- what would trigger that reconsideration or what did you have in mind? Is that if the use changes?

MR. MACMANN: I was just thinking it -- off the top of my head -- a period of time to review these things again in the future?

MS. THOMPSON: I think Mr. Zenner can probably speak to this from a practical standpoint the difficulties that that could bring up. Now if there was something that were to trigger that reevaluation, like a change in use, I think that is something that can be facilitated. But just a time-based reevaluation, I think, presents some practical difficulties.

MR. MACMANN: All right. Well, I'm open to ideas here, folks. I really -- because I hear your concerns. I'm for this. I think it's great. I'd like to see the place developed, but we have our concerns.

MS. GEUEA JONES: Any other Commissioner comments? Commissioner Stanton?

MR. STANTON: I had a warm, fuzzy feeling about this project when I got here, and I do have concerns with the railroad. It has met all the requirements. I'm inclined to support it and let the chips fall where they may, because if he's willing to put the sidewalks in, that's cool. If COLT comes in and says they need access to their road, that's their problem. If someone gets hurt on that railroad, that's litigation, their problem. So let's -- let's play ball. Let's just go ahead and do what they want. I'm in full support of it. Let's the chips fall where they may. They've done everything they need to do. The City isn't making a clear definition of, you know, any safety regulations or anything with that railroad. I've been dealing with Jeff City, and I -- the railroad is serious business. It's the second government in this country. They're going to do whatever they want, and they're going to make you do it. If they would have -- if this railroad were to come back alive, no one here is going to run over the railroad, period. So, hey, let's just follow where they go and good luck.

MS. GEUEA JONES: Any other Commissioner comment? Commissioner Carroll?

MS. CARROLL: I rather like this proposal. Concerns notwithstanding, I -- I do support this. I see the issues. I -- I agree with Commissioner Stanton. You know that's going to be the responsibility of the distillery, if that comes to pass, but I think that they've done well to meet the requirements that we have, and I'm okay with this.

MS. GEUEA JONES: Anyone -- Commissioner Placier?

MS. PLACIER: Yeah. I've been puzzling over the comments. And really like the proposal, just wish they were more oriented toward the Fay Street side and not so reliant on the COLT road or whatever we're calling that. It's not even an official road. Because on the Fay Street side, there is a possibility for parking that doesn't depend on that road. I know they probably don't want to sacrifice the yard, but Fay Street is a better bet to me. Just a comment. I suppose it's too late for that.

MS. GEUEA JONES: Anyone else? So here is my thought. I think it's probably fine as described. I think the temptation to expand and serve more people at any one time is too large. So I would propose that we make one of the conditions of the conditional use permit that they cannot use the green space as dining or bar space, no seating in the green space. I think that will do two things. One, it means that we're not going to have a second Logboat, which I think is a good model. I just feel like this isn't the right spot for that kind of model. We know at Logboat, we have massive problems with parking and people parking all over the place and walking in. We'll have that here, as well, which, again, that's not what they're asking for, but that's what it is. I also think that we should say -- or maybe the way to say it is there will be no seating for the bar outside of that 900 square feet, or something to that effect, to try to keep them from expanding and getting away with the 12 parking spaces when what they've actually got is 2,700 square feet of interior bar space if you include the retail and the bar, plus everything on the outside. Commissioner Burns?

MS. BURNS: I appreciate your thought there, Commissioner Geuea Jones. I -- I'm -- I wouldn't want to restrict them in that way. I do believe what Commissioner Stanton said is the best way to go. Let the chips fall where they may. If we're having occupancy problems, if we're having parking problems, I don't want anyone to get hurt, but I think we're trying to create solutions for problems that haven't occurred just yet. So I'm inclined to support this, and I just hope that the applicant will take back what we said and -- and consider some of the concerns and, if possible, address them.

MS. GEUEA JONES: Anyone else before we go back to Commissioner -- Commissioner Carroll for a second bite?

MR. STANTON: My fellow Commissioner has something else to say.

MS. GEUEA JONES: Go ahead, Commissioner Carroll.

MS. CARROLL: I would just say that I don't -- I do consider this to be far enough away from Logboat to not exacerbate the issue of parking too much. I agree with chips fall where they may. I notice that this yard gets used quite a bit during other City events. I hate to limit that. I think it's a community amenity and I'm personally glad that they're not putting parking there. Part of pedestrian oriented is keeping community amenities like that available. That's my second bite.

MS. GEUEA JONES: Anyone else? Commissioner Zenner -- or Commissioner Zenner. I keep doing that. I am tired today.

MR. ZENNER: It's all right.

MS. GEUEA JONES: Mr. Zenner?

MR. ZENNER: At some point, I may reach that stature. I think as -- as it's been discussed, the parking is the principal concern here, and I think what you -- the way that parking is addressed and the increase in the total need of parking is based upon the physical improvement of that space. Green space does not equate to parking. And if there was a modification to put in patio space, similar to what we have done at Logboat, all of that starts to get calculated into required parking demand, and that is a reasonable trigger at that point by which that's when we start making additional assessments. Parking impact along Fay, as well as in this particular neighborhood, is going to be driven more so through complaints to the City of Columbia and potential inspection by emergency response service to ensure that the pathways are clear for those types of needs. And so if, as Logboat has become extremely popular during the summer months, it creates significant impacts in particular area, there are safety concerns that arise that are addressed, and I think that that's the way to potentially look at this as this may become a popular location in combination with the other elements in this particular area, the City is going to have to take steps by which to ensure that those that are partaking of the businesses here are safe. The sidewalk crossing over the COLT Railroad may be one of those issues. We have to be cognizant of the potential liability that crossing over our property creates with patrons to this area. And so I think time will tell how we make those improvements, how we address the -- the unknowns at this point with this business expansion and its inclusion. Last point, the total parking on this particular proposal is based on all spaces added together. So those 12 parking spaces is based on not only the two spaces required for the manufacturing, the 100 -- the one space per 150 in the bar, and then one per 300 in the retail. Any adjustments with that, when you start to move walls and start to move how those areas are used, all generally are processed through a building permitting process. It's not ideal, it's not exact, but what I can tell you is, as well, the fire marshal will establish occupancy limits associated with what's inside the building. And so based on what's shown here, there is an occupancy limitation that's going to be established. The bar --you may take drinks out of the bar, and out of the tasting room, while you're waiting for a tour, into the retail space. Again, that all I think is just part of the ebb and the flow of this particular location. I think we will have to be monitoring it in a tangential way, and to try to apply conditions potentially here that are more vague that we have to then take some effective action, such as not utilizing more space for bar purposes, that's almost impossible for us, from an administrative perspective, to enforce. And I would strongly caution possibly not going down that path creating a standard or a condition such as that. Thank you.

MS. GEUEA JONES: Thank you. If no one else has anything, Commissioner Stanton?

MR. STANTON: Let the chips fall. As it relates to Case 66-2023, 700 Fay Street, Six Mile Ordinary conditional use permit, I move to approve for the CUP for a bar and nightclub use as required on the approximately 0.5 acre lot commonly addressed as 700 Fay Street subject to ADA compliant sidewalk, striped crosswalk, appropriate signage are constructed by the owner at the location on Fay Street that will not require utility relocation and accessible to City -- acceptable to City traffic engineer.

MR. MACMANN: Second.

MS. GEUEA JONES: Moved by Commissioner Stanton; seconded by Commissioner MacMann. Is there any commissioner discussion on the motion? Seeing none. Commissioner Carroll, may we have a roll call.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Placier, Ms. Kimbell, Ms. Wilson, Ms. Loe, Mr. Stanton. Voting No: Ms. Geuea Jones. Motion carries 8-1.**

MS. CARROLL: We have eight yes, and one no. The motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council.