

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
February 9, 2023**

SUMMARY

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' south of the intersection of Wilkes Blvd and Fay St, and is commonly addressed 700 Fay Street. **(Case # 66-2023)**

DISCUSSION

Smith Lewis, LLP requests a Conditional Use Permit (CUP) to permit operation of a bar in the IG (Industrial) Zoning District. This use was permitted in the M-1 district (now IG) prior to the adoption of the UDC in 2017 and is now only allowed following approval of a CUP. The site is presently improved with a small-scale distillery, classified as a Class 1 Artisan Industry, which is undergoing renovations. The CUP request presented herein is desired to permit legal expansion of the tasting room/bar as part of planned distillery facilities renovation.

Artisan Industries contain small-scale production of goods by an artist, artisan, or craftsman on the premises for wholesale, on-site, or online retail. This land use often includes teaching of these skills to others and general retail. Bars and tasting rooms are common, complimentary components for small-scale breweries and distilleries. However, they are still subject to CUP review and approval.

The existing facility is an approximately 4,500 square foot building currently used for distillery production and storage. The business' production demand has expanded and outgrown the space. Most production has been relocated to another facility in Boone County. The tenant is renovating the structure to accommodate an approximate 2,000 square feet of manufacturing space, which contains a 200-gallon still and space for teaching and demonstration; an approximate 1,800 square foot area for retail, storage, and restrooms; and an approximate 900 square foot bar or tasting room. A Floor Plan Exhibit showing the proposal is attached.

Background

The area contains a mix of IG and M-N (Mixed-use Neighborhood) properties. The property immediately across the street to the west was rezoned to M-N, granted "Pedestrian standards" by the Board of Adjustment, and redeveloped with a 3-story mixed-use retail and residential structure within the last few years. Logboat Brewery is located further south on Fay street and is currently undergoing expansion. At the northern end of Fay Street is the Brown Shoe Factory and at the southern end is the Wright Brother's Mule Barn. Both properties are on the National Register of Historic Places and have been restored and converted, respectively, from a factory to office space and from a mule barn to a mixed use building.

The overall area has been transitioning from former industrially used lands, reliant on the COLT Railroad, to the location of an expanded footprint of Columbia College as well as investments in new business, and infrastructure investments by the City along Range Line Street to the west. Much of the mid-block property, including the property immediately to the west, is zoned I-G and owned by Columbia College. The remaining properties in this block that are IG zoned generally consist of one-story, non-descript buildings and are on the lower spectrum of intensity in terms of what the IG district allows.

There are risks of bringing residential uses and pedestrian-oriented design into this historically industrially-developed area. The Commission and staff have previously evaluated noise, air quality, heavy truck traffic and other potential health, safety and incompatibility concerns in this area. The Commission and staff have previously concluded that the uses in the area were not of a heavy industrial character and the area may be attractive for students and young professionals wanting to walk to campus and the Downtown District. These findings were supportive of the transitioning character of the area and not inconsistent with Comprehensive Plan's designation of the subject properties as lying within the City Center.

There are additional public investments in the area currently in the works or on the planning horizon. The first phase of the proposed COLT Railroad trail (CIP #1273) is anticipating construction in 2030. Field Park is located 500' northwest on Wilkes Boulevard and improvements (CIP #2228) are scheduled for 2025. There is a sewer project (CIP #1890) anticipated to begin construction soon that is directly to the east and will replace deteriorating lines in the vicinity of College Avenue, Court Street, and Hickory Street.

Conditional Use Permit

The conditional use permit process applies to uses identified as conditional for a particular zone district in the Permitted Use Table (Table 29-3.1). The procedure and criteria for approval are found in in Section 29-6.4. The criteria for approval are intended to mitigate adverse impacts to surrounding properties, ensure

adequate access exists to mitigate traffic impacts and safety issues, ensure sufficient infrastructure and services are available, promote compliance with the Comprehensive Plan and land use standards inherent to the character of the underlying zoning district, and ensure conformance with the character of the adjacent area. Conditions may be applied to any such request to mitigate impacts and to ensure conformance with the CUP criteria for approval.

(A)The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located

Class 1 Artisan Industries are a permitted use by-right in the IG zoning district. The requested 'bar' use is commonly associated with these types of breweries and distilleries which staff finds appropriately located in the context of the transitioning Arcade District. The existing building complies with all dimensional standards found within the IG zoning district and no building expansion is proposed.

Regarding parking, it is the applicant's intent and staff's understanding that the proposed alteration will meet the parking requirements of the UDC. Changes in permitted use (29-4.3(4)) allow an existing building to be repurposed to another permitted use as long as either the amount of parking available is at least 75% of the required minimum or the applicant is providing the maximum number of spaces able to be accommodated without further altering the existing structure. In this case, the applicant is providing 12 of the required 14 parking spaces for the Artisan Industry, Retail, and Bar uses which satisfies the 75% parking requirement.

(B)The proposed conditional use is consistent with the city's adopted comprehensive plan

The subject site is identified as being in the City Center on the City's Comprehensive Plan Future Land Use Map. Promoting infill development and small-scale entrepreneurs with retail and service components in a walkable environment is strongly supported by Columbia Imagined.

(C)The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site

As discussed previously, the area along Fay Street is transitioning to an entertainment and recreation district from what was historically a manufacturing district. Staff finds the proposed use consistent with the character of recent redevelopment in the area.

(D)Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion

There is a 500' sidewalk gap on Fay street between Wilkes Boulevard and the COLT Railroad which the subject site abuts. Sidewalk was constructed on the M-N lot to the west when it was redeveloped and replatted after the UDC. However, this site has been a legal lot since 1866 and the only triggers for sidewalk construction on this lot would be a replat, a City sidewalk project, or an added condition of the CUP.

The section of Fay Street without sidewalk contains on-street parking and semi-industrial uses. Permitting a bar use in an area without sufficient pedestrian infrastructure may create traffic hazards at day or during bar-close by channeling pedestrians into the travel lanes of Fay Street. These risk may be minimized by the fact that this street is not a major roadway and has both low traffic volumes and low speed limits. However, the proposed use still elevates concern with respect to the sidewalk gap.

The Comprehensive Plan aims to have new development pay a fair allocation of funds for offsite improvements needed to support impacts resulting from development projects. The applicant and staff discussed alternatives for pedestrian infrastructure accommodations being constructed on the site's Fay Street frontage to mitigate potential traffic hazards.

These conversations included construction of an ADA-compliant sidewalk and striped crosswalk would improve pedestrian safety and accessibility for this site. Given there are potential utility conflicts on the northern part of the site's frontage, the applicant is proposing to construct sidewalk along the site's street frontage where utility relocation isn't necessary. A final location for the striped crosswalk will be coordinated with the City Traffic Engineer at a later date.

Staff feels this proposal is a fair allocation of infrastructure costs given the CUP request is associated with a building alteration valued at \$220,000 and not a full redevelopment of the site.

(E)Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided

The site is served by all City utilities and there are no concerns with respect to capacity associated with the addition of the bar use to this facility.

(F)The proposed conditional use will not cause significant adverse impacts to surrounding properties.

Given the development complies with the UDC parking requirements and there are other similar uses existing or permitted in the area, the proposed use will not cause additional adverse impacts to surrounding properties.

Conclusion

The request is consistent with the character of the district and its transition toward a mixed use, pedestrian environment due to its private and public investments, historical landmarks, and adjacency to the North Arts Village and Downtown. The pedestrian safety concern will be addressed by the applicant's consent to construct sidewalk not in conflict with utilities along its Fay Street frontage and to install a striped crosswalk coordinated with the City Traffic Engineer. These improvements are believed to be consistent with Comprehensive Plan's goals to have developers pay a fair allocation infrastructure costs for impacts created by new development.

The proposed CUP request has been reviewed by staff and external agencies and has been found to be consistent with the evaluation criteria for CUPs, is compatible with the adjacent zoning and land uses, and is appropriate for the subject property, subject to approval of the proposed condition relating to the installation of pedestrian infrastructure along Fay Street.

RECOMMENDATION

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.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Floor Plan Exhibit

SITE CHARACTERISTICS

Area (acres)	0.5
Topography	Flat
Vegetation/Landscaping	Commercial Landscaping
Watershed/Drainage	Flat Branch
Existing structures	Existing distillery and associated parking lot

HISTORY

Annexation date	1906
Zoning District	IG
Land Use Plan designation	City Center
Previous Subdivision/Legal Lot Status	Harbison's Second Addition, Lot 30 (1866)

UTILITIES & SERVICES

Site is fully served by City of Columbia utilities and services.

ACCESS

Fay Street	
Location	West
Major Roadway Plan	Local non-residential
CIP projects	None
Sidewalk	None

Colt RR service road	
Location	Southeast
Major Roadway Plan	Not applicable
CIP projects	None
Sidewalk	None

PARKS & RECREATION

Neighborhood Parks	Field Park (500' NW); Lions-Stephens Park (1/3 mile SE); Armory Rec Center (1/3 mile SW); Douglass Park (1/2 mile West); and Orr Street property (1/4 mile SW)
Trails Plan	Proposed Primary Trail - Colt RR Trail (adjacent), CIP #1273
Bicycle/Pedestrian Plan	Colt RR Trail is a proposed new addition to the Bike/Ped Network

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of this pending request via advanced notice on January 13, 2023. 16 postcards were distributed.

Public Notification Responses	None
Notified Neighborhood association(s)	Benton-Stephens NA; North Central Columbia NA
Correspondence received	None

Report prepared by Brad Kelley

Approved by Patrick Zenner