Chair Townsend called the meeting to order at approximately 7:00 p.m. Those members attending included Rex Campbell, Dennis Hazelrigg, Martha John, David Townsend and Philip Clithero. Also attending were the City Clerk, Sheela Amin, Development Services Manager, Pat Zenner, Building and Site Development Manager, Shane Creech and Assistant City Counselor, Rose Wibbenmeyer.

The minutes from the regular meeting of January 8, 2013 were approved as submitted on a motion by Mr. Campbell and a second by Ms. John.

The following cases, properly advertised, were considered. All persons testifying were duly sworn by the City Clerk.

Case Number 1853 was a request by Daniel Beckett, attorney for Greg and Misti Post (owner/lessor) and St. Charles Tower, Inc. (lessee), for a conditional use permit to install a temporary 120 foot cellular tower (on wheels), and for variances to the landscaping, screening and fencing requirements on property located at 2400 S. Providence Road.

Chair Townsend opened the public hearing.

Daniel Beckett, an attorney with offices at 111 S. Ninth Street, stated he represented the applicants, St. Charles Tower, Inc. and the Greg and Misti Post, and explained the Post’s had leased the property at 2400 S. Providence Road to St. Charles Tower, Inc. and they wanted to temporarily install a cellular tower on wheels (COW) on the subject property. He offered into evidence exhibits 1-4, which included certified copies of Section 29-21.3 and Section 29-23 of the Columbia Code of Ordinances, a map showing the location of the subject tract and a proposed site plan, which included a sketch of a COW similar to the one that would be installed on the property. He pointed out the Board had granted the applicants a conditional use permit to allow the construction of a 110 foot stealth communications tower designed to resemble an elm tree in December, 2012. St. Charles Tower was in the process of developing construction plans and anticipated submitting an application for a building permit for the permanent structure within a week or so. They believed the construction process would take approximately five months. He commented that there was an urgent demand for enhanced cellular coverage in central Columbia, specifically in the area surrounding the University of Missouri athletic complexes during sporting events. They were proposing the installation of the COW as a temporary fix on the subject tract northwest of the area designated for the permanent tower. He noted the permanent tower would have the requisite fencing, landscaping and screening. The COW was approximately 28 feet in length and 8.25 feet wide. It was self-supporting and consisted of a utility trailer with a generator and retractable lattice tower. In addition, it did not need any supplemental or external equipment to function, and safe measures could be taken to prevent unauthorized access to the COW without the need to install an 8-foot fence around the perimeter of the COW. He explained they would place sheathing around the base of the tower to prevent people from climbing on it. He commented that there were no existing towers or structures within the geographical area that met the engineering requirements of St. Charles Tower, and St. Charles Tower had made a diligent effort to co-locate the proposed antenna on other facilities within the area, but those efforts were
unsuccessful. He asked the Board to grant a conditional use permit for the temporary installation of the cellular tower on wheels, and for variances to the screening, fencing and landscaping requirements as there would not be an adverse impact to the community.

Ms. John asked where this tower would be placed in relation to the permanent tower. Mr. Beckett replied it would be just to northwest of the permanent tower. Ms. John asked about the proposed lease area of the permanent tower. Mr. Beckett replied the entire tract had been leased.

Ms. John asked why 120 feet had been requested for the temporary tower if the permanent tower would be 110 feet. Mr. Beckett replied they were requesting it be 110 feet.

Mr. Campbell asked for the safety factor in terms of wind, damages, etc. He wondered if the tower would be securely anchored. Mr. Hazelrigg stated the stability of the trailer was a concern.

Michelle Dohrman, 4 West Drive, Chesterfield, Missouri, stated she was a representative of St. Charles Tower and explained the base of the COW provided the security and there were no guy wires. Mr. Hazelrigg asked if the base was secured to the ground in any way. Ms. Dohrman replied no. Mr. Campbell asked for the wind factor this unit could withstand. Ms. Dohrman replied she did not know. Mr. Clithero asked if COWs had been previously been used. Ms. Dohrman replied yes, and pointed out about ten had been used at Mardi Gras this past weekend in St. Louis. Chair Townsend asked for the length of time those had been up. Ms. Dohrman replied they were used for the weekend. Chair Townsend asked if it was common practice to leave a COW up for five months. Ms. Dohrman replied yes. She explained they had asked for six months, but noted it might not take six months for the installation of the permanent tower, and she hoped it would take less time.

There being no further comment, Chair Townsend closed the public hearing.

Mr. Zenner commented that the Board had actually approved a 100 foot tower in December instead of 110 feet as indicated in the staff report, so the recommendation of staff was for a 100 foot cellular tower on wheels. This was not uncommon in the telecommunications industry, but was typically associated with special events for short term use and not necessarily for the duration sought by the applicant. The COW met the definition of a tower per the City Code, so it was required to comply with all of the tower standards within the Code. He noted the applicant was seeking variances to landscaping, screening and fencing requirements, and the site plan submitted with the application did not match the current approved site plan that was approved by the Council on January 22, 2013. The property was zoned O-P and required approval from the Board of Adjustment for the conditional use and had to comply with the site plan. If the conditional use permit was approved by the Board, the site plan approved on January 22, 2013 would need to be amended to show the addition of this particular facility and a date of removal. The site was wooded and somewhat secluded, so staff was not concerned about screening and landscaping, but they did not feel enough evidence had been presented in terms of a hardship to grant the variances.

Chair Townsend asked for clarification as the staff report recommended the screening and landscaping variances be approved. Mr. Zenner replied staff felt it could technically be denied, but could also be considered for approval at the discretion of the Board.

Mr. Zenner stated staff was concerned about the public safety aspect of this facility due to its
location along a corridor traveled by college-aged students and behind a rental unit that would not be secure in terms of access. Staff believed the facility needed to be fenced to ensure access was limited beyond putting something around the base of the facility. Staff was recommending approval of the project based on a 100 foot height, approval of the screening and landscaping variances at the prerogative of the Board provided no additional vegetation was removed from the site, denial of the variance for fencing and for an eight foot high chain link fence to be installed around the proposed COW, removal of the COW when the permanent stealth elm tree tower was installed and operational or six months from today, whichever happened first, and for the O-P development plan approved by Council on January 22 to be revised and submitted to the Community Development Department for review as a minor amendment prior to the issuance of any building permits.

Mr. Campbell understood there was no requirement for site preparation in terms of ensuring a secure foundation or platform for the COW to sit. He felt that was a challenge as there were a lot of young people in the community that might try to relocate the structure. Ms. John noted there would be a locked fence. Mr. Zenner explained a permanent structure would require structural calculations to be submitted to the City prior to the issuance of a permit. He thought the Board could require structural calculations for the temporary structure as well in terms of wind-loading as part of the actual permit issuance. If it did not meet the building code requirements, additional stabilization would be required until it met the building code requirements. Mr. Campbell commented that it was not unheard of to have wind gusts up to 75 mph in this part of Missouri, and wondered if they should require that type of stabilization. Mr. Zenner noted he believed the building code had a higher standard. Mr. Creech stated that was correct and explained he thought it was closer to 95-100 mph. Ms. John thought they should require it meet the building code standards.

Mr. Clithero asked if this was taking an unusually long time in terms of obtaining zoning and the permits. Mr. Zenner replied this project required a conditional use permit, O-P site plan approval, a rezoning and a plat, so it had taken longer than typical projects. In addition, this would introduce a stealth structure that was new to the Columbia market in terms of an elm tree. Mr. Clithero asked if everything was in place except for the permit. Mr. Zenner replied he understood all of the regulatory approvals had occurred, and they were now waiting for the parts to arrive. There was a minor amendment, which would be needed and would take about 15-30 days, prior to the installation of the COW, if that was approved.

Ms. Wibbenmeyer listed the standards to be applied in granting or denying the conditional use permit request and in granting the variances.

Mr. Hazelrigg stated he had some concerns as he had seen these used in disaster environments, and they were typically secured through guy wires, etc. that would anchor the structure to the ground. This was a very top heavy item and tornado season would soon be here. He also agreed the fencing should be required. Ms. John agreed, and suggested adding the requirement of an engineering report showing how the code would be met in terms of wind. Mr. Campbell stated he would be interested in staff coming up with a recommendation regarding footings, etc. for stabilization as the picture shows two wheels holding the structure, which he felt was a fragile arrangement.

Mr. Beckett commented that the applicant had geotechnical data and explained they would do what they needed in order to be in compliance with the code in terms of integrity.
Mr. Campbell suggested this be tabled to the next meeting in order to provide time to address these issues. Chair Townsend stated they could also approve it with conditions, which would allow staff the ability to determine if the conditions had been met. Ms. John agreed with the suggestion of adding conditions.

Mr. Creech explained the City did not have a structural engineer on staff and suggested the applicant provide a report from a structural engineer that could be reviewed by staff. The Board was agreeable.

Ms. John made a motion to approve the conditional use permit for a cellular tower on wheels no greater than 100 feet in height, and the variances to the screening and landscaping requirements, provided the conditions recommended in the staff report were met and subject to the condition for the applicant to provide a report from a structural engineer showing the cellular tower on wheels met the current building codes of Columbia, specifically in terms of wind, based upon a review by staff. The motion was seconded by Mr. Hazelrigg.

CASE NO. 1853 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, HAZELRIGG, JOHN, TOWNSEND, CLITHERO. VOTING NO: NO ONE. The conditional use permit and variances for screening and landscaping were approved with conditions.

Case Number 1854 was a request by Ashley Houk to grant a variance to the front yard setback requirement by allowing the existing carport structure to encroach into the required front yard on property located at 1209 Haven Road.

Chair Townsend opened the public hearing.

Ashley Houk, 1209 Haven Road, explained she was applying for a variance to Section 29-6 of the Columbia Code of Ordinances in order to allow her carport to remain. She stated she recently purchased a carport as her job as a nurse required her to be on-call and to her workplace within thirty minutes, which was difficult in the winter due to defrosting, etc. In addition, her home was broken into last year and she did not feel comfortable scraping off her car in the dark in the morning as she had to be at work at 5:30 a.m.

Mr. Campbell asked how far the edge of the carport was to the street right-of-way. Ms. Houk replied it was five feet from her property line and fourteen feet to the actual street.

Chair Townsend asked Ms. Houk if her house had a garage. Ms. Houk replied the garage had been converted to a basement for more living area, so she did not have a garage. She explained she could not move the carport to the side because that space was only 11 x 11 feet. Mr. Campbell asked if a garage had originally been on the house. Ms. Houk replied yes, and explained the previous owners had converted it to a living area.

Charles Campbell, 1217 Haven Road, stated he had spoken to several neighbors and no one had an issue with the carport.

Fred Williams, 1203 Haven Road, commented that he did not have a problem with the carport, and noted they had done quite a bit in terms of improvements to the house.
There being no further comment, Chair Townsend closed the public hearing.

Mr. Creech explained staff had responded to a complaint and the 25 foot front yard setback was not being met as they were only providing five feet with the carport. Mr. Campbell understood a complaint had been made. Mr. Creech stated that was correct.

Ms. Wibbenmeyer listed the standards to grant the variance, which included practical difficulties or unnecessary hardship in carrying out the strict letter of the chapter and for the purposes and spirit of the chapter to be observed, public safety and welfare to be secured and substantial justice to be done if the application of any of regulations was varied or modified.

Ms. John commented that this would not be the first one of these the Board had approved, and pointed to one in her neighborhood, which was as close to the street if not closer than this one. It had not posed any problems in that neighborhood.

Mr. Hazelrigg asked if the carport was secured to the driveway. Mr. Creech replied he did not know.

Mr. Clithero asked if this was a project that should have been permitted. Mr. Creech replied he did not believe so due to the size of the carport.

Mr. Campbell stated this carport was obtrusive when driving down the street. This would be the only item that stuck out prominently. Ms. John commented that she did not think it would be as noticeable when the leaves were on the trees.

Chair Townsend understood this would not be subject to a permit to building. Mr. Creech stated he believed that was correct due to its size. Mr. Hazelrigg thought it was right below the threshold. Chair Townsend asked if the manufacturer or builder was aware of the setback requirements. He was concerned this would be built as part of a house at some point and would need to be removed. He wondered where the liability was for the builder since it was not part of the permitting process. Mr. Hazelrigg stated he understood this could be purchased assembled or as a kit whereby the owner put it together. Mr. Creech noted other structures were similar, such as sheds, water heaters, etc. but permits would be required for some of those things. Whether the purchaser was told a permit would be required was dependent upon the seller.

Mr. Hazelrigg made a motion to approve the variance as requested. The motion was seconded by Mr. Clithero.

CASE NO. 1854 VOTE RECORDED AS FOLLOWS: VOTING YES: HAZELRIGG, JOHN, TOWNSEND, CLITHERO. VOTING NO: CAMPBELL. The variance was approved as requested.

Case Number 1855 was a request by Chris Teeter and Donna Checkett to grant a variance to the rear yard setback requirement by allowing an addition to the existing non-conforming structure to encroach into the required rear yard on property located at 107 E. Ridgeley Road.

Chair Townsend opened the public hearing.

Chris Teeter, 107 E. Ridgeley Road, explained he was requesting a variance to allow an addition
to the back portion of the house, which was previously granted a variance by the previous owners. He commented that he was losing his studio and this expansion would add 232 square feet. The existing structure was 11-12 feet from the rear property line. The proposed addition would be an extension of the current north wall parallel to the property line, and it would not be any closer to the property line. He noted he provided additional information to those on the parties in interest list and did not receive any responses. In addition, the Grasslands Neighborhood had an architectural review board, and the addition was approved pending the approval of the Board of Adjustment. He provided the Board a copy of that document.

There being no further comment, Chair Townsend closed the public hearing.

Mr. Creech explained there was a 25 foot rear yard setback requirement, and there was about a 13 foot rear yard setback now. This would not be any closer to the rear property line. He noted this was considered a non-conforming use, which was not allowed to be extended or enlarged, and thus the request was denied.

Ms. John commented that it appeared the back property line moved away from the building a little so the addition would not be any closer than it already was to the rear yard line. Mr. Hazelrigg thought it would be the same or further from the back property line based on the drawing.

Ms. Wibbenmeyer listed the standards to grant the variance, which included practical difficulties or unnecessary hardship. In terms of it being a non-conforming building, she noted the Board, by special permit in evident hardship, could grant an extension of a non-conforming use not exceeding 25 percent of the first floor.

Mr. Campbell made a motion to approve the variance as requested. He commented that he did not believe the addition would be seen from the street or by most of the neighbors due to the way this house set on the hill.

Ms. John asked how the roof of the addition would be tied into the existing roof. Mr. Teeter described it by showing the Board a sketch. Chair Townsend understood the roof would be re-pitched and extended. Ms. John understood a little part of the peak would extend out from the front gable.

The motion made by Mr. Campbell to approve the variance as requested was seconded by Mr. Hazelrigg.

CASE NO. 1855 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, HAZELRIGG, JOHN, TOWNSEND, CLITHERO. VOTING NO: NO ONE. The variance was approved as requested.

Case Number 1856 was a request by Robert Hollis, attorney for Broadway Lodging LLC, to grant approval of the sign plan and/or grant variances to the sign ordinance by allowing the hotel wall signage (one sign) at the west elevation and the hotel wall signage (one sign) at the east elevation to exceed the maximum square feet permitted for sign area and to permit the installation of either a monument sign or wall sign at the main hotel entrance on property located at 1111 E. Broadway.

Chair Townsend opened the public hearing.
Robert Hollis, an attorney with offices at 1103 E. Broadway, provided a handout of his presentation and explained he was representing Broadway Lodging LLC, the entity developing a hotel, which would be called The Broadway, east of City Hall at 1111 E. Broadway. They were asking for variances for three separate signs, two wall signs and a freestanding/monument sign. The hotel would be seven stories in height and would have a restaurant on the main level and rooftop lounge. The two wall signs and the freestanding/monument sign requiring the variances would all identify the hotel. The signs for the restaurant and lounge had already been permitted. He showed a depiction of the hotel with the wall signs, and noted those signs would be a little smaller than shown. He also pointed out the entrance sign, which was classified as a monument sign, on the depiction. The wall signs were about five feet wide, thirty feet tall and two inches in depth, and added to the aesthetics of the building since they would be placed on shear walls. He commented that the monument sign was arguably not permitted. The property was located in the C-2 downtown Special Business District area, which had its own sign ordinances. He explained the building inspector had indicated wall signs could be up to 64 square feet and the wall signs could be placed at the locations as proposed, but the entrance sign was not permitted at all. Another section of the sign ordinance, Section 23-26, applied specifically to hotels, and if that ordinance was applied, there would be a different interpretation, and some of the signs that had been permitted would then arguably not be permitted. He noted the wall sign facing west, not fronting a street, would likely not be permitted even though the square footage of the wall sign would be permitted. The requirement of the sign not fronting a street made sense for the sign to be on the west side for visibility. He commented that he had tried to determine a way for the conflicting or complimenting sign ordinances to work together, but had been unsuccessful. He felt a separate ordinance was needed for larger downtown buildings. He displayed photos of buildings in the community that had signs larger than allowed due to the size of the buildings. He reiterated the monument sign would not be allowed if applying the Special Business District sign ordinance, but would be allowed if applying the hotel/motel sign ordinance. He stated the proposed signs were within the spirit of the ordinances, and complied with portions of the regulations. He submitted certified copies of ordinances referenced along with other documents into evidence. He asked the Board to grant the variances to allow the signs at issue.

Mr. Clithero asked if the variance request for the wall signs involved the size of the signs. Mr. Hollis replied it depended upon which ordinance was being applied. He explained the denial letter referred to 64 square feet and indicated the signs would be permitted in the requested locations, so if the C-2 ordinances were being applied, the variance would be for the size of the wall signs. If the hotel/motel ordinance was being applied, it would be different. Mr. Clithero asked for the size of the wall signs. Mr. Hollis replied he thought they were 142.5 square feet in size. Mr. Hazelrigg understood the entrance sign was 22.5 square feet and the wall signs were 142 square feet. Mr. Hollis stated the size of the monument sign was correct, but he thought the wall signs were 142.5 square feet. Chair Townsend asked if the signs were illuminated. Mr. Hollis replied yes.

There being no further comment, Chair Townsend closed the public hearing.

Ms. Wibbenmeyer commented that Chapter 23 of the Code of Ordinances included two different relevant provisions as pointed out by Mr. Hollis, and noted she had provided the Board with a copy of those sections along with the definitions. The cardinal rule, when construing a City ordinance, was to give effect to the intent of the legislating body, which in this case was the City Council, and the words should be given their plain and ordinary meaning. When two different ordinance
provisions covering the same subject matter were unambiguous when standing separately but in conflict when standing together, a review in court or in this case, the Board of Adjustment, had to attempt to harmonize them and give effect to both. If it was not possible to harmonize them, the general statute or ordinance must yield to the one that was more specific.

Ms. John understood the hotel/motel sign ordinance indicated the maximum surface area allowed was as authorized by Section 23-25.1, and asked what that would be.

Mr. Creech explained the Central Business District ordinances were used when the property was located within that area as staff had considered it more specific.

Mr. Campbell commented that he had participated in the drafting of the sign ordinance, and discussion on the hotel/motel ordinance had been limited to hotels and motels located outside of the central area of the City. They had not discussed the possibility of a hotel being built in the downtown.

Ms. John asked for the size of a wall sign that would be allowed under Section 23-25.1. Mr. Creech replied it was based on zoning district and street classification. Broadway was considered an arterial and the sign would be in C-2 zoning, so 64 square feet since there was not any setback on Broadway. Short Street was considered a local residential and had a 34 square foot maximum area. Chair Townsend understood one sign did not have street frontage. Ms. John understood the Broadway street frontage was being used for it.

Mr. Creech stated the size of a freestanding sign off of an arterial was a maximum of 64 square feet with a 12 foot maximum height, so size was not an issue if the Board agreed they could have the freestanding sign since a 22.5 square foot sign was being proposed. Mr. Clithero asked why the Board would not allow that sign. Mr. Creech explained the C-2 portion did not allow any freestanding signs.

Chair Townsend understood the Board could grant a general variance to either in order to approve the three signs as proposed. Mr. Campbell stated he was in favor of just making a motion to approve the signs as proposed. Ms. John suggested they approve whatever variances were necessary to allow the signs as proposed. Chair Townsend asked if they had to specify the variances. Ms. Wibbenmeyer replied she thought the Board could make a motion granting the variances requested pursuant to plans and materials submitted so staff would know the sizes and locations being approved.

Mr. Campbell made a motion to approve the variances requested pursuant to the plans and materials submitted by the applicant. The motion was seconded by Mr. Clithero.

CASE NO. 1856 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, HAZELRIGG, JOHN, TOWNSEND, CLITHERO. VOTING NO: NO ONE. The variances were approved pursuant to the plans and materials submitted by the applicant.

Case Number 1857 was a request by Skip Walther, attorney for St. James in North Village (owner) and DogMaster Distillery LLC (leaseholder), to allow a distillery in a C-2 zoned building on property located at 210 St. James, Suite D.

Chair Townsend opened the public hearing.
Chair Townsend asked Ms. Wibbenmeyer to comment as to whether the Board of Adjustment could rule on this case. Ms. Wibbenmeyer replied the proposal was for a distillery, and the issue was whether or not this was a use variance as the Board did not have the authority to grant a use variance. If they were calling it a distillery, but it was really something else that fell within C-2 zoning, the Board could proceed in that regard, but if it was an M-1 use it would be considered a use variance.

Skip Walther, an attorney with offices at 700 Cherry, apologized as he had submitted an application for a variance so the form he used was wrong. He noted they were not seeking a use variance. They were appealing the zoning official’s determination that this was not an allowable use in the C-2 zoning district.

Chair Townsend asked Ms. Wibbenmeyer if that was acceptable. Ms. Wibbenmeyer replied it was dependent upon what it was they were actually intending to do at the location.

Mr. Walther explained it would be a distillery, and “distillery” did not appear in the zoning code. Ms. Wibbenmeyer stated “distillery” did not, but there were others that might apply depending upon what was being done. Mr. Walther stated the State liquor laws authorized the issuance of a license for the manufacture, distill or blend of intoxicating liquors, so the State drew a distinction between “manufacture” and “distill.” He commented that his clients wanted to distill alcohol in a C-2 zoned building, sell it to the public by the drink and sell it by package as well. An allowable use in C-1 was liquor sales by the package, and C-1 uses were all allowable in C-2. In addition, allowable uses in C-2 included bars and cocktail lounges. This establishment, when selling to the public, would be more closely aligned to a cocktail lounge than a bar as the seating area would be small. There would be a selection of the alcohol that was distilled on-premises for sale to the public and his clients hoped to sell the product to places, such as Hyvee and Schnucks, similar to Shakespeare’s selling frozen pizzas to grocery stores. He pointed out the zoning official had believed that to be an industrial use and prohibited, but the Board of Adjustment had decided otherwise and permitted it for Shakespeare’s. He felt this proposal was similar to that one. He noted they were making a product on-site, and did not believe it was much different than Lakota, which roasted their beans on-site and sold those beans to grocery stores. It was also similar to Broadway Brewery as it was in a C-2 zoning district. They were a bar and restaurant and were permitted to operate a brewery, which for all practical purposes, was not much different than distilling alcohol. He provided the Board a copy of a photograph of distilling equipment, and explained the stainless steel tanks were fermenting tanks and the tower on the left side of the photograph was a distilling tower. He commented that Broadway Brewery had ten large tanks, and two were mash tuns that were 800 gallons a piece. The distillery would have a mash tun of 500 gallons or less. He stated they had talked to the Fire Department, and the Fire Department had requested they store the pure alcohol in a particular way, which they planned to comply with. He explained he had also been in contact with the neighbors and believed they were supportive. He noted his client had attended a North Central Columbia Neighborhood Association meeting last night, and he understood they had formally voted to endorse this concept. He commented that the zoning ordinance for C-2, M-1 and M-C pre-dated the invention of microdistilleries, as they were a very recent concept. There were many in downtown Portland, one in downtown Milwaukee, etc. He noted that although it was not specified in the C-2 zoning ordinance, there was a provision that allowed for any retail business or use of a similar character, and he would argue that the proposal was a use of a similar character to what they wanted in a C-2 district.
Ms. John asked if food would be served at this location. Mr. Walter replied no, but explained there would be peanuts and other similar items. Mr. Hazelrigg understood there would not be a kitchen. Mr. Walther stated that was correct.

Mr. Clithero noted both a distillery and microdistillery had been mentioned and asked if they were really talking about a microdistillery. Mr. Walther replied yes. Mr. Clithero asked if there was a size associated with it. Mr. Walther replied they would have one mash tun, which was 500 gallon or smaller, two fermenting tanks and one distillery vessel, so they would have approximately half of the equipment that Broadway Brewery had.

Ms. John asked if it was a cocktail lounge with a microdistillery on-site. Mr. Walther replied that was correct.

Pat Fowler, 606 N. Sixth Street, stated she was the Board President of the North Central Columbia Neighborhood Association and explained they had conversations with the Fire Department, the Community Development Department, Mr. Ott and Mr. and Mrs. Hawxby, the operators of the business, which had reassured them. She understood the business would have limited operating hours of 5:00 – 10:00 p.m. on Thursday, Friday and Saturday with the occasional private party. The business model was to attract a diverse, mature adult client base, which they liked. The Fire Department had reassured them that they would be vigilant in supervising the plans for the installation of any storage tanks for flammable or ignitable materials. She stated they had sought and received the assurances needed from all of the parties that this was a permitted use they supported in the C-2 zoning category. She commented that North Central was mixed-use, and they wanted to continue to be the most mixed-use neighborhood in Columbia. They were proud of the fact they were welcoming to artisans, artists, locally owned businesses, social service agencies, etc., and that they were the most affordable place to own a home in Columbia. They also hoped to continue to be the most affordable place to rent an apartment. As a result, the Neighborhood Association supported this application for a microdistillery.

There being no further comment, Chair Townsend closed the public hearing.

Mr. Creech explained staff denied the request because C-2 allowed restaurants, cafes, bars, etc. while M-1 specifically allowed distribution of bottled or canned beverages. Flat Branch was in M-1 and Broadway Brewery was in C-2, but Broadway Brewery did not distribute bottled or canned beverages to his knowledge. They recently permitted a brewery at Fay and Hinkson in the M-1 zoning district as well.

Chair Townsend asked how distribution was defined. He asked if it would be distribution if he took a growler of beer from Broadway Brewery off premises to enjoy at home. He thought of a distributor as Scheppers or other places with packaged liquor. Mr. Creech replied staff understood one of the goals was to sell to grocery stores.

Ms. Wibbenmeyer commented that Chapter 4, which included liquor control ordinances, indicated wholesalers or distributors were persons selling intoxicating liquors or non-intoxicating beer to retailers for resale. Chair Townsend understood the ordinance could limit sales to grocery stores, and asked if they could authorize the distribution since that was a use issue. Mr. Campbell commented that in terms of Shakespeare’s, the Board had granted permission for manufacturing at certain locations.
Mr. Campbell made a motion to approve the microdistillery as requested. The motion was seconded by Mr. Hazelrigg.

CASE NO. 1857 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, HAZELRIGG, JOHN, TOWNSEND, CLITHERO. VOTING NO: NO ONE. The microdistillery was approved as requested.

There being no further business, the meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Sheela Amin
City Clerk