

JOHNSTON, ALLISON & HORD, P.A.

ATTORNEYS

1065 EAST MOREHEAD STREET

CHARLOTTE, NORTH CAROLINA 28204

704-332-1181

H. MORRISON JOHNSTON  
JAMES W. ALLISON  
ROBERT C. HORD, JR.  
RAY S. FARRIS  
ROBERT L. BURCHETTE  
PAUL A. KOHLIT  
JOHN A. MORRICE  
J. DARRELL SHEALY  
GREG C. AHLUM  
PATRICK E. KELLY  
STEPHEN P. GENNETT II  
JOHN R. BUBEN, JR.  
GARY J. WELCH  
WANDA C. TOWNSEND  
BRIAN J. SCHOECK  
MICHAEL L. WILSON  
KENNETH T. LAITENSCHLAGER  
MARTIN L. WHITE  
N. LUCILLE SILER  
JEANNE A. PEARSON\*  
JOE F. TEAGUE, JR.  
ROBERT G. LINDAUER, JR.  
JENNIFER M. PATTERSON  
CONSTANCE L. YOUNG  
DAVID T. LEWIS  
CAMERON TODD WARE  
JULIE K. SZEKER  
R. SUSANNE TODD  
KATHLEEN K. LUCCHESI  
SHAWN A. McMILLAN  
J. NICHOLAS KENDALL  
JOHN C. LINDLEY III  
WILLIAM C. ISENHOUR\*  
JON T. COFFIN\*\*  
KERRY L. TRAYNUM\*  
LAURA E.F. THOMPSON  
HOLLY B. NORVELL  
DANIEL A. MERLIN  
RUSSELL J. ANDREW  
SCOTT R. MILLER  
MICHAEL F. ANDERSON  
MICHAEL J. HOEFLING  
MARK J. HANSON  
RYAN P. HOFFMAN  
\*ALSO ADMITTED IN SC  
\*\*ALSO ADMITTED IN TN

MAILING ADDRESS  
POST OFFICE BOX 36469  
CHARLOTTE, NC 28236

FACSIMILE  
704-376-1628

www.jahlaw.com



WRITER'S DIRECT DIAL:  
704-998-2306

WRITER'S E-MAIL ADDRESS:  
stodd@jahlaw.com

VIA HAND-DELIVERY

July 8, 2011

Ms. Claire Lyte-Graham  
Planning Department  
Charlotte-Mecklenburg Government Center  
600 E. Fourth Street, 8th Floor  
Charlotte, NC 28202

Re: Community Meeting Report for Rezoning Petition 2011-043;  
Rezoning Request from B-2 to MUDD(O)  
Petitioner: Louis G. Ratcliffe, Inc.

Dear Ms. Lyte-Graham:

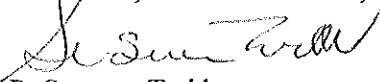
Enclosed please find the Community Meeting Report as required for Conditional Rezoning Petition No. 2011-043. This report summarizes the Community Meeting held by the Petitioner on Tuesday, June 28, 2011 at 6:30 p.m. at the Ebenezer Baptist Church, 2020 West Sugar Creek Road in Charlotte, North Carolina.

Enclosed in this report are the Notice of Community Meeting dated June 13, 2011, and the required mailing list that identifies who was notified of this meeting. Also included in this report are the Meeting Agenda, the Meeting Sign-in Sheet and the Summary Meeting Minutes.

This Petition is scheduled for public hearing before City Council on July 18, 2011. I am also transmitting a copy of this report to Ms. Stephanie Kelly, City Clerk. Please let me know if you have any questions or need additional information.

Sincerely,

JOHNSTON, ALLISON & HORD, P.A.

  
R. Susanne Todd

RST/shr  
Enclosures

cc: David Ratcliffe  
Curtis Chisholm

## COMMUNITY MEETING REPORT FORM

Date of original contact: **Notice Mailed: June 13, 2011**

Persons and Organizations contacted with date and explanation of how contacted:

**Persons and organizations listed on attached mailing list as provided by the City of Charlotte were sent Notice of the Community Meeting via First Class US Mail. Persons copied on the Notice were sent the Notice in the manner indicated.**

Date, time and location of meeting:

**Tuesday, June 28, 2011, 6:30 PM at Ebenezer Baptist Church, 2020 W. Sugar Creek Road, Charlotte, NC.**

Persons in attendance at meeting: (Include a copy of the sign in sheet):

**Please see enclosed Sign In Sheet.**

Summary of issues discussed and changes made to the petition as a result of the meeting:

**Please see enclosed Community Meeting Minutes regarding issues discussed. No changes requested or made as a result of the Meeting.**

---

**Note that in the event the petitioner has not held at least one meeting as required, the petitioner must file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held.**

**NOTICE TO INTERESTED PARTIES  
OF COMMUNITY MEETING**

**Subject:** Community Meeting – Rezoning Petition filed by Louis G. Ratcliffe, Inc. to rezone approximately 3.23 acres located at 5715 North Graham Street in Charlotte, NC (intersection of N. Graham Street and W. Sugar Creek Road) to allow for the location and operation of a Community Theatre and lounge.

**Date and Time of Meeting:** Tuesday, June 28, 2011 at 6:30 p.m.

**Place of Meeting:** Ebenezer Baptist Church  
2020 W. Sugar Creek Road, Charlotte, North Carolina  
**(Please enter through rear of the Church)**

**Petitioner:** Louis G. Ratcliffe, Inc.

**Petition No.:** 2011-43

We are assisting Louis G. Ratcliffe, Inc. (the “Petitioner”) in connection with a Rezoning Petition it has filed with the Charlotte-Mecklenburg Planning Commission seeking to rezone a portion of the approximately 3.23 acre site (the “Site”) located at 5715 North Graham Street in Charlotte, NC (intersection of N. Graham Street and W. Sugar Creek Road) from B-2 (Business-2) to MUDD-O (Mixed Use Development District – Optional). The purpose of the requested zoning change is to permit the location and operation of a Community Theatre and lounge.

In accordance with the requirements of the City of Charlotte Zoning Ordinance, the Petitioner will hold a Community Meeting prior to the Public Hearing on this Rezoning Petition for the purpose of discussing this rezoning proposal with nearby property owners and organizations. The Charlotte-Mecklenburg Planning Commission’s records indicate that you are either a representative of a registered neighborhood organization or an owner of property that adjoins, is located across the street from, or is near the Site.

**Accordingly, on behalf of the Petitioner, we give you notice that representatives of the Petitioner will hold a Community Meeting regarding this Rezoning Petition on Tuesday, June 28, 2011 at 6:30 P.M. at the Ebenezer Baptist Church, 2020 W. Sugar Creek Road, Charlotte, North Carolina. Please enter through the rear of the Church.**

The Petitioner’s representatives look forward to sharing this rezoning proposal with you and to answering any questions you may have with respect to this Rezoning Petition.

In the meantime, should you have any questions or comments about this matter, please call Susanne Todd at (704) 998-2306.

Johnston, Allison & Hord, P.A.

cc: Honorable Michael Barnes, District 4 Council Member  
Honorable Patrick Cannon, Mayor Pro Tem  
Honorable Nancy Carter, District 5 Council Member  
Honorable Patsy Kinsey, District 1 Council Member  
Sonja S. Sanders, Planning Coordinator  
David Ratcliffe  
Curtis Chisholm

Date Mailed: June 13, 2011

Pct. No.	TaxPID	OwnerLastN	OwnerFirst	COwnerFirs	COwnerLast	MailAddr1	MailAddr2	City	State	ZipCode
2011-43	Agent	Johnston, Allison & Hord		attn: S. Todd		1065 E. Morehead St.		Charlotte	NC	28204
2011-43	04511112	BONDED DISTRIBUTION INC				PO BOX 26704		CHARLOTTE	NC	28221-6704
2011-43	04512101	CARROLL	PRISCILLA ANN B	JOY B	BOOVY	13124 RAMAH CHURCH RD		HUNTERSVILLE	NC	28078
2011-43	04702524	COLE MEMORIAL METHODIST	CHURCH			2101 W SUGAR CREEK RD		CHARLOTTE	NC	28262
2011-43	04702530	COLE MEMORIAL METHODIST	CHURCH			PO BOX 26066		CHARLOTTE	NC	28221-6066
2011-43	04702523	COLE MEMORIAL UNITED METH	CHURCH TRUSTEES OF			2022 W SUGAR CREEK RD		CHARLOTTE	NC	28262
2011-43	04511110	CONCRETE PANEL SYSTEMS	INC		C/O FRED GONLEY	PO BOX 1140		CORNELIUS	NC	28031-1140
2011-43	04703209	DERITA PRESBYTERIAN CHURCH				PO BOX 26216		CHARLOTTE	NC	28221-6216
2011-43	04702531	EBENEZER BAPTIST CHURCH AT	CHARLOTTE INC			2020 W SUGAR CREEK RD		CHARLOTTE	NC	28262-4954
2011-43	04511204	EDWARDS	CHARLES M JR			2225 W SUGAR CREEK RD		CHARLOTTE	NC	28262
2011-43	04511201	MCGIMSEY	GEORGE V	BARBARA M	MCGIMSEY	3724 DRAYTON HALL LN		CHARLOTTE	NC	28270-0412
2011-43	04511206	OEHLER	DONALD L		DONALD L OEHLER (TST)	4503 RIDGE RD		CHARLOTTE	NC	28269-1077
2011-43	04510109	RATCLIFFE	LOUIS G JR		JOSEPH STARKE RATCLIFFE	2019 W SUGAR CREEK RD		CHARLOTTE	NC	28262
2011-43	04510114	RATCLIFFE	LOUIS G JR	JOSEPH S	RATCLIFFE	P O BOX 3165		HARRISBURG	PA	17105
2011-43	04703215	SUGARSTAR LLC			C/O WALGREENS COMPANY	PO BOX 901		DEERFIELD	IL	60015-4600

Pet. No.	FirstName	LastName	OrgLabel	MailAddress	MailCity	MailState	MailZip
2011-43	Sylvia	Cannon	Allen Hills/Carrie Hills Comm. Group	5447 Elizabeth Road	Charlotte	NC	28269
2011-43	Xavier	Hodges	Cardinal Glen HOA	4943 Osage Circle	Charlotte	NC	28269
2011-43	Bernie	Samonds	Derita/Statesville Rd. Comm. Org.	2600 Allen Road South	Charlotte	NC	28269
2011-43	Mehl	Renner	Forest Pond HOA	6501 Spring Flower Court	Charlotte	NC	28262
2011-43	Reggie	Rucker	Grenelefe Townehome Assoc.	2800 Hosta Drive	Charlotte	NC	28269
2011-43	Ursula	Smith	Grenelefe Townhomes HOA	2830 Hosta Drive	Charlotte	NC	28269
2011-43	Marvin	Betaudier	Grenelefe Village HOA, Inc.	2517 Eargle Road	Charlotte	NC	28269
2011-43	Jacqueline	Ross	Hemby Woods NA	6821 Rain Creek Way	Charlotte	NC	28262
2011-43	Thomas	Templeton	Royal Oaks NA	1733 Lisbon Lane	Charlotte	NC	28269
2011-43	Jacquire	Nettles	Spring Woods HOA	1930 Aberglan Drive	Charlotte	NC	28262
2011-43	Nikiya	Cohen	Village Glen HOA	Post Office Box 26844	Charlotte	NC	28269

# AGENDA

LOUIS G. RATCLIFFE, INC  
COMMUNITY THEATRE AND LOUNGE  
REZONING REQUEST FROM B-2 TO MUDD(O)  
PETITION 2011-43  
COMMUNITY MEETING

HELD ON TUESDAY, JUNE 28, 2011  
AT 6:30 PM

MEETING HELD AT EBENEZER BAPTIST CHURCH  
2020 W. SUGAR CREEK ROAD, CHARLOTTE, NC

PETITIONER: LOUIS G. RATCLIFFE, INC.

1. WELCOME AND INTRODUCTION OF DEVELOPMENT TEAM
2. REVIEW OF THE REZONING PLAN
3. REZONING SCHEDULE
4. QUESTIONS AND ANSWERS
5. ADJOURNMENT

# SIGN IN SHEET

LOUIS G. RATCLIFFE, INC  
COMMUNITY THEATRE AND LOUNGE  
REZONING REQUEST FROM B-2 TO MUDD(O)  
PETITION 2011-43  
COMMUNITY MEETING

HELD ON TUESDAY, JUNE 28, 2011  
AT 6:30 PM

MEETING HELD AT EBENEZER BAPTIST CHURCH  
2020 W. SUGAR CREEK ROAD, CHARLOTTE, NC

PETITIONER: LOUIS G. RATCLIFFE, INC

NAME	ADDRESS	PHONE #
1. Wolfgang Noerd	4672 Garrison Ln Ct. NW	704-793-1878
2. William C. Fortin	1411 Worcester Pl.	704-408-0685
3. Mercedes Calder	6403 Rockwell Blvd N.	980-819-7082 <del>980-678-7082</del>
4. Alvin Connor	5447 Elizabeth Rd	704-575-4801
5. Jacquie Nettles	1930 Aberglen Dr	704-972-8022
6. AURIE Elliott	1525 Lisbon Ln	704-597-1499
7. RONNIE Elliott	11	11
8. Jennifer Coates	6210 Dument Lane	510-664-6469
9. Claire Green Talbot	Planning Comm. Signer	
10. Jeremiah Hertzell	1681 W. Sugar Creek Rd.	704-654-2803
11. Trisna Henny	1611 W Sugar Creek Rd	704-654-8357
12. Kaurashulo	1037 Minnie Springs	204-617-0873

13. Michael Johnson 7411 Sarcia Pl, CHL, NC 28269
14. Barbara Ann Steverson 1101 Mineral Springs Rd 28262
15. John Couch 1215 Mineral Springs Rd.
16. Thomas & Eva Templeton 1733 Lisbon Lane, Charlotte
17. Bernard J. Saunders 2606 ALLEN RD S -
18. Theatrix "TX" Green 4801 E. Independence Blvd #1001
- 19 Jack W Brosch 3502 MARIONWOOD PL 28269
- 20 Pat King 4321 Marling Lee Ln. 28229
21. H. DAVIS 7241 W. Winstone Lane 28262
22. Randora Anderson 1622 Lisbon Lane 28269
23. David Berry 1526 Lisbon Ln 28269
24. Betty D Couch 1215 Mineral Sp Rd 28262
25. Emilie Couch
26. James W. Turner 4007 LOANAMASSA DR CHL. NC. 28269
27. Senator Charlie Dannelly
28. Mougne Williams
29. Curtis M. Chisholm
30. David Ratcliffe



**Summary Minutes for Community Meeting for Petition #2011-043**  
**Rezoning Request from B-2 To MUDD (O)**

**Petitioner: LOUIS G. RATCLIFFE, INC.**

**Held on Tuesday, JUNE 28, 2011 from 6:30 p.m. to 8:30 p.m.**

**Ebenezer Baptist Church, 2020 West Sugar Creek Road, Charlotte, NC**

1. All attendees were shown and asked to sign in on the meeting sign-in sheet although not all attendees elected to do so. (see attached Sign In Sheet).
2. David Ratcliffe, Property Owner, welcomed the attendees, introduced project and gave an overview of the property, including recent renovations. David explained his family's ties to the Derita area and his desire to improve the community. David stated that the Sambuca bar had occupied an 8, 000 SF tenant space. After he was able to get Sambuca off the premises, he renovated his building by dividing the tenant space into smaller units. The tenant space has sat empty for a year despite offers to rent from companies that he did not believe would be beneficial to the community. David introduced Curtis Chisholm and expressed his belief that a community theatre would be an asset for Derita.
3. Susanne Todd with the law firm of Johnston, Allison & Hord, gave an overview of the project, current zoning and uses allowed, as well as the current Site Plan. Susanne also described the separation requirements for both B-2 and MUDD zoning.
4. Curtis Chisholm introduced himself and explained that he has been a resident of Charlotte for 31 years and that he is a published author and playwright. He explained the history of his theatre company and the costs involved in producing plays. Mr. Chisholm also explained his vision for a community theatre and the benefit of art to a community. Mr. Chisholm further stated that he wants to be a community theatre operator but is being required to be a night club operator per the requirements of the Zoning Ordinance. The Community Theater and Lounge ("Theatre Club") will be a private club and patrons will be subject to a criminal background check.
5. Susanne Todd explained to all the attendees the City of Charlotte's rezoning review process and then informed the attendees of upcoming dates specific to the project. They are as follows:
  - July 18, 2011 – Public Hearing before City Council in the Council Chambers at the Government Center.
  - July 27, 2011 – Zoning Committee Workshop Session to review the Plan and make recommendations at the Charlotte Mecklenburg Government Center.
  - September 19, 2011 – Decision by City Council in the Council Chambers at the Charlotte Mecklenburg Government Center, 6:00 p.m.

Upon completion of the project presentation, the floor was opened for questions from the community as follows:

(Answers are in bold type):

1. What about the meeting the City is holding about the separation requirements for nightclubs, bars and lounges?

**Answer: The Charlotte Mecklenburg Planning Staff recently sent out letters requesting participation in a series of meetings to address current regulations of nightclubs, bars and lounges and to review the required distance separation from residential districts and uses. Any amendment to the zoning ordinance resulting from the meetings will likely be finalized after Council has made a decision in this matter.**

2. Salisbury has recently undergone a revitalization. Are there other areas that have experienced revitalization due to more mixed use developments?

**Answer: MUDD zoning encourages residential, commercial and offices uses in close proximity to one another but with a smaller scale and an urban, pedestrian friendly feel. Light rail has prompted several mixed use projects.**

3. What type of zoning is Birkdale?

**Answer: Not sure, but it has both the commercial and residential components.**

4. I read somewhere that the Theatre Club will have "private rooms"? What are those?

**Answer: The Theatre Club will have conference rooms that people can rent for meetings.**

5. How late will the Theatre Club be open at night?

**Answer: Midnight on weekdays; 2 AM on weekends.**

6. Why do you have to serve alcohol?

**Answer: The Theatre Club must be able to offer alcohol to patrons in order to compete with other theatres such as Blumenthal or Spirit Square.**

7. Concern was expressed about people leaving the Theatre Club late at night and walking down neighborhood streets. Additional concern expressed that the 2 AM closing time will attract younger people.

**Answer: The Theatre Club intends to hire police to help patrol the area and provide a presence on the premises. The Theatre Club will also be a private club. Private clubs do not have to let anyone in and can deny admission to people for reasons that might not be allowed if a public establishment.**

8. Are there restrictions limiting the sale of alcohol near schools and churches?

**Answer: Do not believe so. Adult establishments such as adult book stores have separation requirements from schools and churches.**

9. Will there be appropriate noise barriers?

**Answer: All music and entertainment will be contained within the building with appropriate sound control.**

10. What is the difference between a public club and a private club?

**Answer: Only members and their guests will be allowed in the Theatre Club. Members must pass a criminal background check and are responsible for their guests. Average age of the Theatre Club's patrons is expected to be 50.**

11. Comment from attendee that he really appreciated the recent renovations to the subject property.

12. Comment from attendee that he has attended Curtis Chisholm's facility on Davidson and that there is a difference between a private club and a juke joint. When he goes out for the evening, he wants peace. He also wants to go to a place that he feels safe bringing his wife. He attended Curtis's club on Davidson and found the peace he finds at the Excelsior Club and at Myers Park, Carmel or Quail Hollow Country Clubs. Gentlemen further stated that this community will not tolerate otherwise and cannot understand why someone would not be willing to give children an opportunity to grow. He wished that we lived in a perfect world but we don't. However, Curtis has written books, plays and travelled parts of the country and wants the opportunity to share.

13. Comment from attendee that he lived in D.C. around the corner from a bar called the "Black Hole". Did not serve alcohol; people drank before they went in. There were also clubs with older clientele where patrons "just don't act the fool". Mentioned that some private clubs were taken over by hoods.

14. Comment from attendee that we can shut down bad clubs as a community. We understand the alcohol issue, but we also understand the problem of talented kids with no direction.

16. Comment from attendee that she wanted to thank David and Curtis for bringing the arts to Derita Community. Folks could go the store anyway and buy and do all the things being complained of. Art is unifying

17. Comment from attendee that if your business has to have alcohol to make it, then you are in the wrong business.

18. Comment from attendee that David Ratcliffe has turned down potential tenants in hopes of leasing this space to a tenant that will benefit the community. However, David is a business

man and he can't leave space vacant forever. We have a decision to make. We can either support Curtis and the theatre or allow David to put in whatever tenant he can.

19. Comment made that neighborhood previously had problems with loitering around, and stealing from, the Food Lion. Police have done a good job curtailing this issue.

20. Comment made that there is another bar (Pucketts) less than a quarter mile away.

21. Comment made that Myers Park Country Club is an example of a well accepted private club that has no issues controlling alcohol.

22. MUDD zoning allows nightclubs. If Curtis fails; could the space be used for something else?

**Answer: Yes, the space could be used for another nightclub or any other use permitted by zoning. However, Curtis does not plan to fail. Curtis founded the Charlotte Theatre in 1988 and has weathered storms. The 40 and up people are looking for some place to go. Curtis has dedicated his life to the arts and although his father is a minister, Curtis has found that he can still serve, but that it does not have to be from the pulpit.**

23. Comment made from attendee that he was looking beyond the alcohol and looking at it from a community standpoint as a center for Derita. He had previously fought the other lounge so why not this? He is looking at the positive. We will not have another Sambuca.

24. On the Sundays when the teenagers are allowed to perform in the talent shows, how late will they be allowed to stay?

**Answer: Curfew law in effect will prevent teens from staying past 11 PM, but Curtis plans to have teens out by 9 PM.**

25. What type of plays will be performed?

**Answer: Plays will vary. Not all plays will be written by Curtis but one example would be a play entitled "Pearls" that Curtis was commissioned by a church to write about marriage.**

26. Comment was made by attendee that provocative plays, or plays that incite people or get them stirred up, should be avoided.

David Ratcliffe thanked the attendees for taking the time to attend and the meeting was adjourned at approximately 8:35 PM.

End of Community Meeting.