

MINUTES
Nightclub, Bars, and Restaurant Citizens Advisory Group Meeting
8-25-11

Citizens In Attendance:

Mary Springs	Susanna Todd	Moses Luski	Keith MacVean
Ashley Byrd	Natalie K. Beard	Robert L. Brandon	Judy Warner
Diane Langevin	Phillip Campbell	John Foster	Tom Sewell
R. Harris	Ken Koontz	Kurt Hogen	Bill Nolan
Penny Craver	Rob Nixon	Bill Cox	Chris Neeson
David Ratcliffe	Wayne Kosbe	Katie Clary	Russell Clary

Staff In Attendance:

Katrina Young, Planning Department	Barry Mosley, Planning Department	Karen Robinson, Planning Department
Sonda Kennedy, Planning Department	Sandra Montgomery, Planning Department	Gay Grayson, Planning Department
Pontip Aphayath, Planning Department	Zenia Duhany, Planning Department	Mark Fowler, Code Enforcement
Walter Abernathy, Neighborhood & Business Services	Ben Krise, Neighborhood & Business Services	Marci Sigmon, Planning Department

Katrina Young welcomed everyone to the meeting, which began at 6:10 p.m. Ms. Young introduced herself, and asked everyone to introduce themselves and provide the name of the organization or interest they represent.

I. *Project Background*

Ms. Young informed everyone that the Zoning Ordinance was adopted in 1958 and revised again in 1988. Charlotte has become more urban and uses are now located much closer together. It has become increasingly difficult to determine differences between restaurants and nightclubs. Our goal is to adequately describe the uses and to develop standards so that there is no adverse impact to nearby residential areas.

II. *Meeting Purpose*

Ms. Young stated that there are two meeting objectives for tonight. The first is to explain the Citizen Advisory role and process, provide information on the project background, , schedule and current regulations. The second is to identify issues and concerns with zoning ordinance current definitions and standards for nightclubs, bars and restaurants.

III. *Citizen Advisory Group and Staff Roles*

The responsibility of the Citizen Advisory Group (CAG) is to help identify issues and concerns; help identify possible solutions; provide feedback on staff recommendations; and attend and participate in meetings. The role of staff is to educate and inform; help identify issues and concerns; help identify possible solutions; attend and facilitate meetings, and develop and present recommendations to the Planning Commission and City Council.

IV. *Process Timeline*

Ms. Young outlined an ambitious four-month process:

- August 25 – Meet with CAG and identify issues
- September 15 – Review issues and identify solutions (CAG and staff)
- September 22 – Review and revise options (CAG and staff)
- October 20 – Draft text amendment (staff)
- November 18 – Revision of draft, if necessary (staff)
- December 15 – Final Draft

The final product could be a recommended text amendment to the Zoning Ordinance addressing restaurant and nightclub uses that will need to be approved by City Council.

V. *Overview of Current Regulations*

The Zoning Ordinance provides the following definitions for nightclubs and restaurants:

Nightclub: Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges and cabarets.

Restaurant: An establishment designed, in whole, or in part, to accommodate the consumption of food and/or beverages.

VI. *Group Exercises*

Videos of four different types of establishments were shown and participants were asked to describe some of the characteristics of each establishment. One had karaoke and billiards for entertainment, alcoholic beverages, a light menu. Another had no entertainment, a burger menu and beer. A third had a live DJ, a dance floor, and served alcoholic beverages. The last was an establishment featuring a murder mystery that also served dinner and alcoholic beverages.

VII. *Issue Identification and Group Break-Out Sessions*

Citizens were divided into three smaller groups to discuss the similarities and differences between nightclubs, bars and restaurants. Each group was also asked to discuss any secondary impacts (positive or negative) that might be associated with each establishment. Each of the three break-out groups then reported back to the full citizen advisory group. Below is a summary of the discussion from each group:

Pink Group:

Similarities include:

- Social interaction
- Food
- Alcoholic beverages
- Other non-alcoholic beverages
- Gaming devices
- TV
- Billiards/pool
- Dancing
- Darts
- Karaoke
- Live music
- DJ
- Performances
- Preprogrammed, recorded, internet, IPOD, laptop, radio, etc. music
- Paid music DJ's
- Dinner theater
- Arcade games
- Games for kids
- Bingo

Differences: The following activities were only found at nightclubs:

- Corn-hole
- Pole-dancing
- Bowling

Should there be different regulations for restaurants and nightclubs?

No. Many similarities now. Times have changed.
The presence of alcoholic beverages may be the characteristic that divides a restaurant from a nightclub.
Hard to find a location to fit separation distances. Typically use old buildings for nightclubs, and they are already near residences.

Blue Group:

Similarities included:

- Hard to distinguish differences.
- Open late
- Both can have cover charges

Differences included:

- Nightclubs can have associated social issues
- Nightclubs have a higher percentage of sales of alcoholic beverages.
- Nightclubs have a dance floor, DJ.
- Restaurants have a higher percentage of food sales.

One entertainment can be louder than another

Secondary Impacts include:

Noise – volume of people coming in and out
Conduct of patrons
Nuisance
Traffic
Increase in crime – more opportunity for crime
People drinking
Generates tax revenue
Generates more tax revenue by being open later (extra sales)
Generates commerce
Place to entertain people
Buffer zones reduce impacts
Can walk to establishment

Should there be different regulations for restaurants and nightclubs?

Should not be.
Definitions should be identical to state definitions.
Should have some separation distances.
Keep music inside after a certain time.
Should serve food up to closing time.

Yellow Group

Similarities:

Make money
Social gathering place
Televisions
Alcohol
Beverages
Employees
Locations
Taxes
Music
Licenses
Food
Parking
Entertainment
Coin machines, music
Tables, chairs

Differences include:

Clientele
70/30 Percentage for Restaurants
Sales of alcoholic beverages and consequences of these activities
Nightclubs open to later
Memberships – Private clubs
Door charge
Age restrictions
Hours of operation - late
Definitions should match state requirements for food percentages.

Secondary Impacts:

Employment
Entertainment
Community support
Hub for community
Increases property values

Charity donations
Community involvement
Business opportunity
Contributes to the tax base
Crime/loitering/drugs
Community safety
Noise
Drunk driving
Police services
Fire hazards
Traffic noise
Trash/Littering

VIII. *Wrap Up/Next Steps*

Ms. Young thanked everyone for their participation. The information received from tonight's meeting will be sorted into categories and posted on the web.

Ms. Young presented background information detailing the history of nightclubs, bars, and restaurant in the Zoning Ordinance. In 1962, the use "restaurants" was added to the zoning ordinance. An "entertainment establishments" category was added in 1973 to include lounges, nightclubs, bars, taverns, and cabarets employing topless waitresses, dancers, barmaids or models, provided the structure was at least 400 feet from a residential structure located in a residential district.

In 1994 adult bookstores, adult establishments, and nightclubs, bars and lounges became separate uses. The separation distances were modified to require a 1500-foot separation for adult bookstores, and a 1000-foot separation distance for other adult establishments. The 400-foot separation for nightclubs, bars, and lounges remained unchanged.

Citizens voiced ideas to provide more awareness of the CAG group and its roles. Suggestions were made to contact the Charlotte Observer to write newspaper articles about the topic, and to use Corporate Communications in the City Manager's Office to get the word out. There was discussion that not everyone has the internet or e-mail to receive information.

Ms. Young explained that over 980 citizens on the Neighborhood Organization Contact List were mailed postcards inviting their participation in the CAG meetings. Others are still welcome to join the CAG.

Ms. Young thanked everyone for attending and helping to come up with solutions. Our goal is to allow businesses to provide entertainment and also protect residential areas and property values.

The next meeting is scheduled for September 17th.The meeting was adjourned at 8:10 p.m.