

MINUTES
Nightclub, Bars, and Restaurant Citizens Advisory Group Meeting
9-22-11

Citizens In Attendance:

Gil Narvaez, CMPD	Lesley Mace, CMPD	D. Harris, CMPD	Jason Kerl, CMPD
William Graham, CMPD	Sean Wilbur	Bill Murray, CMPD	Andy Wilson
R. E. Carlton, CMPD	Bill Cox	Natalie K. Beard	Frances Brady
Howard Brady	Ken Koontz	Ed Sheehan	Carolyn Millen
Penny Craver	David Ratcliffe	Rob Nixon	Diane Langevin
Pat Barker, CMPD	Tom Knopp, CMPD	Z. M. Riggan, CMPD	Holyt Hackney
John Meyer	Bill Watkins	Robert Brandon	Chris Neeson
Stephen Rosenburgh			

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 Aphayarath, Planning Department	Marci Sigmon, Planning Department	Mark Fowler, Code Enforcement

I. Welcome and Introductions

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.

II. Recap of August 25th Meeting

The Zoning Ordinance was adopted in 1958 and recodified again in 1962. 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, as a distinct use from nightclubs/adult establishments. In 1996, adult entertainment uses were separated from nightclubs.

Over time, it has become increasing difficult to determine the differences between restaurants and nightclubs, with the current definitions. Staff has formed this Citizen Advisory Group (CAG) to help identify issues and concerns with the definitions, and standards. The role of the 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.

Ms. Young noted that over time the separation distances for nightclubs have varied somewhat, based on what zoning districts they were permitted in. A handout was distributed that provides an overview of the current regulations for nightclubs and restaurants. The first table provides information about nightclubs, bars, and lounges, what zoning district they are permitted in, and what separation distances are required from residential uses or districts. The second table provides information for restaurants. It details what zoning districts they are permitted in, and if they are allowed by right or with prescribed conditions.

A question was asked about the history of why the differences in standards exist. Ms. Young stated that different zoning districts were adopted at different times, and each time, the standards were tweaked to fit the district. The first districts where nightclubs were allowed were in the UMUD zoning district, uptown. The separation distance was simply “from a residential structure in a residential district”. As nightclubs were allowed in other zoning districts and began locating in the suburbs, the terminology regarding separation distances was changed to “from a residential use or district”.

III. Categorized Issues from August 25th

Ms. Young reviewed the issues identified by the pink, blue, and yellow break-out groups from the August 25th meeting, and provided a handout of the comments. She then listed the similarities and the differences identified by the three groups, and the secondary impacts, both positive and negative.

IV. Survey of Other Jurisdictions

A number of Zoning Ordinances for other similar size cities were researched to determine what other communities were using for definitions for restaurants and nightclubs. Associated separation distances and prescribed conditions were also noted. The survey results for the following cities was provided: Nashville/Davidson County, TN; Memphis/Shelby County, TN; Austin, TX; Phoenix, AZ; Indianapolis, IN; Seattle, WA; Miami, FL; San Francisco, CA; New York City, NY; and Greenville, SC. Also of note were a number of cities that had no separation distances and no prescribed conditions for restaurants or nightclubs: New York City, Chicago, Philadelphia, Washington D.C, Boston and Fort Worth. Ms. Young reviewed the definitions, separation distances, and prescribed conditions, if any, of each jurisdiction. She then reviewed a summary of the range of separation distances and other prescribed conditions other communities have used for nightclubs, bars, and lounges. She did the same for restaurants that serve alcohol, have late hours, and/or music, dancing, or entertainment. The survey details are available on the website at:

<http://charmeck.org/city/charlotte/planning/Rezoning/StakeholderGroups/TextAmendmentStakeholderGroup/Pages/Restaurants-Nightclubs-Bar-Lounges.aspx>

V. Group Discussion

Ms. Young divided the CAG members into three break-out groups: pink, yellow and blue. Each group was asked to discuss the following:

- Restaurants: What should be included in the definition? Should there be more than one land use category for restaurants? Should there be a size limitation? Should there be a separation distance? What type of entertainment should be allowed?
- Nightclubs: What should be included in the definition? Should there be more than one land use category for restaurants? Should there be a size limitation? Should there be a separation distance? What type of entertainment should be allowed?

Before the groups formed, Ms. Young provided CAG members with some considerations for restaurants: consider an approach that has multiple definitions for restaurants use based on the hours of operation and/or the provision of social entertainment. Also consider what forms of entertainment are associated with restaurant use, based on the hours of operation. For nightclubs, bars, and lounges, consider changed to the definition that would clarify the use. Consider separation distances and prescribed conditions, and address noise, traffic, crime, and lighting issues.

After each group met, they individually presented their thoughts to the entire group. Ms. Young thanked the groups for their work.

VI. Comments

Questions and Answers:

- Each zoning district has its own standards for nightclubs. Will the CAG look at regulations for each zoning district? Ms. Young indicated, that yes, each would be reviewed. There are different expectations people have for nightclubs or bars in an urban environment, vs. a suburban environment. We will consider these differences through this process.
- Will the group consider a separation distance to schools? Ms. Young stated that separation distances to schools was not an issue identified by staff or the group until the question was raised. Typically, separation distances to schools are for adult establishments.
- What businesses would be grandfathered if the standards change? Ms. Young stated that if a business was legal, and was operating as permitted, then it would be grandfathered. For example, if a restaurant was permitted, and is operating as a restaurant, then it would be grandfathered with respect to any standards that may change. However, if say a restaurant was operating differently, like a nightclub, then it would not be grandfathered, since they are not legal. For existing uses, if a restaurant serves food and alcohol, it is considered to be a restaurant. If it serves alcohol and has entertainment, it is classified as a nightclub. The Zoning Board of Adjustment has provided findings to classify such a use as a nightclub.
- It appears from the survey larger cities have a 50' separation and they have identified noise as an issue. If existing businesses in Charlotte are not grandfathered, new or more restrictive regulations would strangle existing businesses. Ms. Young clarified that it is not our intent to try to put establishments out of business. Mr. Rosenburgh, Chairman of the Charlotte-Mecklenburg Planning Commission stated that any text amendment would provide citizens with the opportunity for public input.
- Will the Noise Ordinance be reviewed again as part of this process? Ms. Young indicated that the Noise Ordinance would not be part of these considerations, but the decibel levels would be applicable. We are not looking to change that Ordinance.

- Neighborhoods are concerned with noise and traffic, no matter what the use is. Protecting residents is important. The “no smoking” ban has resulted in having people congregate and smoke outdoors, adding to the noise factor. Ms. Young asked the CAG members if noise levels were restricted, would that allow for a reduction in the separation distances needed? Should we consider this? Comments included: 400’ separation is easy to measure, while it is more difficult to measure decibels (i.e. equipment is needed, it must be calibrated, it varied hour to hour, etc.)

VII. Wrap-Up and Next Steps

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. Staff will use the input provided by CAG members and the survey information to prepare recommendations for definitions and standards for nightclubs, bars, and lounges, and restaurants for the next meeting. CAG members will be asked to provide feedback on staff recommendations at the next meeting. Staff’s goal is to develop definitions and standards that will hopefully work for everyone.

The meeting was adjourned at 8:00 p.m.