

MINUTES
Nightclub, Bars, and Restaurant Citizens Advisory Group Meeting
5-30-13

Citizens In Attendance:

Cox, Bill	Kastanas, Lesa
Cullinan, Brian	Kretschmer II, Frank
Dowling, Bryan	Neeson, Chris
Fergusson, Russell	Myers, Cheryl
Foster, James	Padilla, Joe
Glover, James	Pitkin, Ryan
Gore, Gina	Reinhart, Sarah
Henson, Andrew	Sizemore, Melanie
Ingram, Chris	Taylor, Marty
Kastanas, Andy	

Staff In Attendance:

Debra Campbell, Planning Department	Katrina Young, Planning Department	Sandra Montgomery, Planning Department
Sonda Kennedy, Planning Department	Bridget Dixon, Planning Department	Karen Robinson, Planning Department
Pontip Aphyarath, Planning Department	Marci Sigmon, Planning Department	Marty Taylor, Neighborhood & Business Services
Gina Gore, Neighborhood & Business Services	Jason Kay, City Attorney's Office	

I. *Welcome and Introductions*

The meeting began at 6:07 p.m. Debra Campbell, Planning Director, welcomed everyone to the meeting and introduced herself. This is the fifth meeting of the Nightclub, Bar, Lounge and Restaurant Citizen Advisory Group, and she appreciates the time that everyone has contributed to this initiative. She asked everyone to introduce themselves before she began.

II. *Recap from Last Meeting*

Ms. Campbell started with a brief overview of the Agenda. Restaurants, nightclubs, bars and lounges are now proposed to be called, "eating, drinking and entertainment establishments", rather than having separate definitions.

At the last meeting held on May 9, staff presented the proposed recommendations to the CAG. Ms. Campbell noted that she received several e-mails asking for clarification of the separation distance requirements, and staff will clarify these recommendations for everyone. At the last meeting, the CAG members suggested several changes to the recommendations, which will be reviewed tonight. The majority of the time will be spent asking for additional input on those suggestions, and hearing additional suggestions.

Ms. Campbell briefly reviewed several suggested changes made by CAG members at the last meeting:

- Definition of entertainment is too broadly defined. (Suggestion made to allow unamplified televisions and music).
- No separation. (Determine if there should be a separation if the activity is completely contained inside).
- Impact on existing uses (How do we address an establishment can't meet the proposed standards? How do we continue to protect residential areas?)

Ms. Campbell noted that before we move through the adoption process, staff will be asking CAG members to help with an extensive community outreach to present these recommendations and hear additional input from a wide range of groups.

III. Recap of Last Meeting

Ms. Campbell recapped information from the last meeting. The existing regulations for restaurants, nightclubs, bars and lounges have not been changed for decades. These uses are acting more alike these days than being different, distinct uses. Staff has created a new approach related to the terminology. “Eating, drinking and entertainment establishments” is the new term that is proposed to replace “restaurants”, “nightclubs”, “bars”, and “lounges” in order to provide clear definitions and standards. Clear definitions and standards can be more easily enforced to protect and foster good relationships between businesses and residential properties.

Ms. Campbell provided a summary of the proposed changes: 1) create new definitions for eating, drinking and entertainment establishments to reflect the similar character and emerging business model of these uses, 2) allow greater entertainment offerings with understandable definitions and rules, 3) reduce the separation distance requirements for these uses by using proximity to a vacant lot or single family dwelling when either is located in a single family zoning district, 4) create consistent separation distances for urban districts, and 5) increase flexibility by creating more than one compliance option for businesses wanting to offer outdoor seating or entertainment.

Ms. Campbell reviewed the two types of eating, drinking and entertainment establishments, and their proposed definitions:

- **Type 1 Eating, drinking and entertainment establishments:** An establishment where food is prepared and beverages may be provided, excluding any alcohol. Indoor and outdoor entertainment may be provided. (Examples include Wendy’s, Cook-out, Waffle House, Starbucks, Panera Bread)
- **Type 2 Eating, drinking and entertainment establishments:** An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. Excluded are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, similar uses, and uses exempt from Alcohol Beverage Commission permitting standards. (Examples include Ruth’s Chris Steak House, Applebee’s, Hooter’s, Buffalo Wild Wings, Coyote Joe’s, Banquet Halls)

Ms. Campbell reviewed the comparison of regulations between the current and proposed uses. She noted that currently, only nightclubs, bars and lounges are permitted to have entertainment, according to the definition. The proposed definitions now allow entertainment to occur in both Type 1 and Type 2 establishments. (Please see additional document titled, “Proposed Recommendations for Restaurants, Nightclubs, Bars and Lounges” located on the website under the May 9, 2013 meeting date for details on the recommendations).

Ms. Campbell noted that there are separation distances for outdoor entertainment that range from 100’ in the urban districts, to 400’ in all other applicable districts. There are also separation distance requirements for the outdoor consumption of food and beverages. The separation distance is 100’. If the outdoor seating/activity area is less than 100’, a required buffer shall be upgraded to a Class A buffer along all corresponding side and rear property lines.

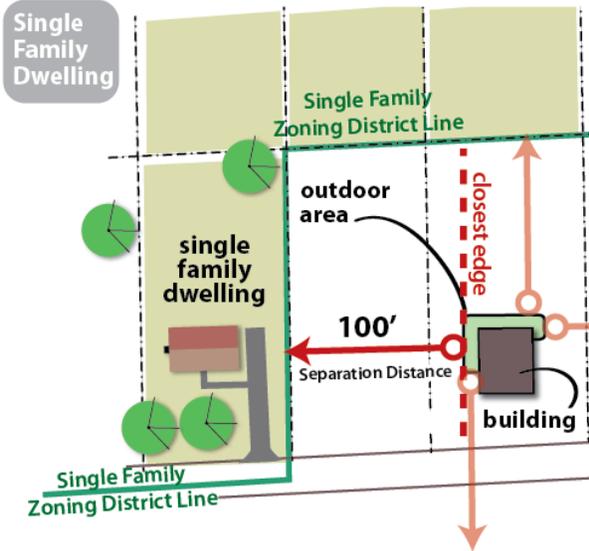
Ms. Campbell asked Katrina Young to review these requirements in greater detail, since staff received a number of e-mails asking how these measurements are taken.

Ms. Young reviewed the regulations for a Type 2 eating, drinking and entertainment establishment that is next to a single family dwelling located in a single family zoning district. A 100’ separation distance is required for outdoor eating/activity area when the use is open between the hours of 11 p.m. to 6 a.m. The following graphic illustrates the example:

100' Separation Distance for Outdoor Eating/Activity Area

Type 2 (alcohol consumed)

11 pm to 6 am



Measurement for separation distances are from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a single family dwelling when either is located in a single family zoning district.

applies to Applicable Zoning Districts

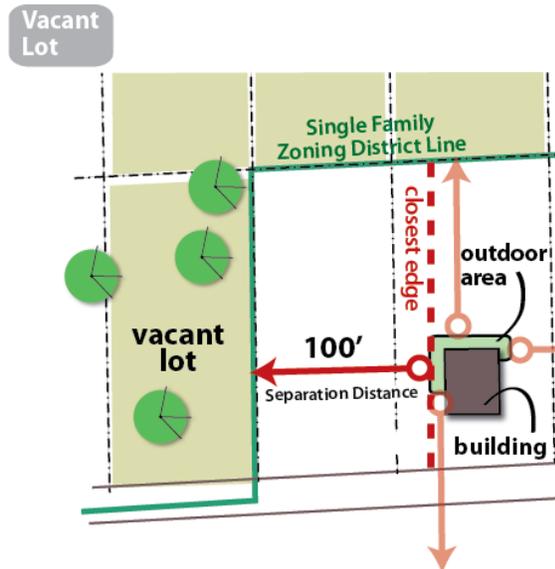
Ms. Young explained that the measurement is taken from the closest edge of any outdoor seating/activity area, (which is illustrated in green in the above graphic) to the nearest property line of the single family dwelling located in a single family zoning district. The 100' is measured in all directions, including across the street.

The next graphic, below, illustrates a vacant lot in a single family district that is next to a Type 2 eating, drinking and entertainment establishment that has an outdoor eating/activity area that serves between the hours of 11:00 p.m. to 6:00 a.m. The 100' measurement is taken in the same way, and measured in all directions.

100' Separation Distance for Outdoor Eating/Activity Area

Type 2 (alcohol consumed)

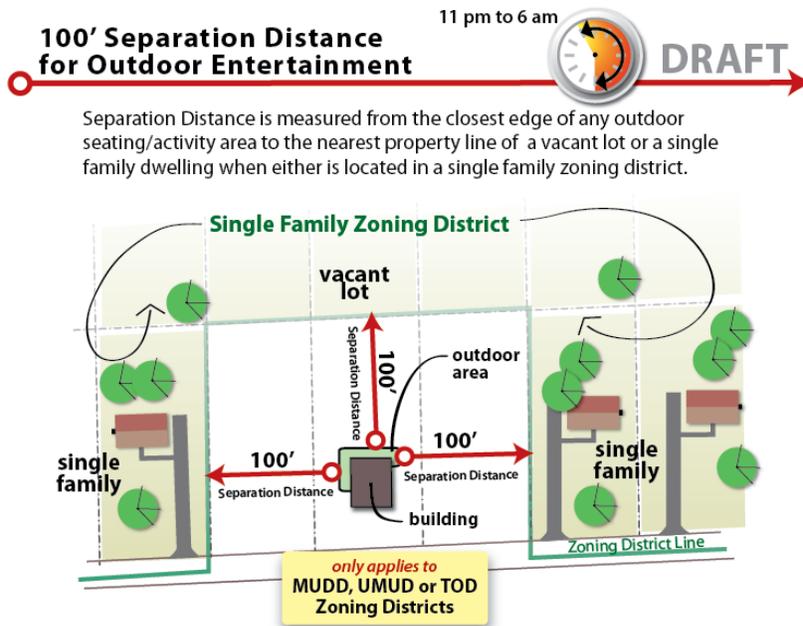
11 pm to 6 am



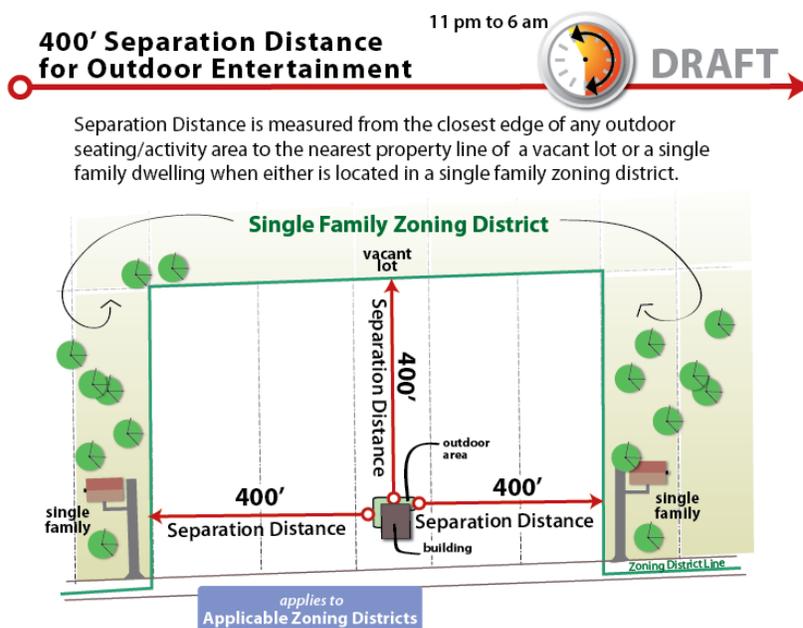
Measurement for separation distances are from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a single family dwelling when either is located in a single family zoning district.

applies to Applicable Zoning Districts

The next graphic shown below, illustrates an eating, drinking and entertainment establishment that has outdoor entertainment between the hours of 11:00 pm to 6:00 a.m., and is located in the urban zoning districts of MUDD, UMUD, TOD. A 100' separation distance is required in this situation, and is measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or single family use, when either is located in a single family zoning district. The measurement is taken in all directions.



Ms. Young noting that for all the other zoning districts (except MUDD, UMUD and TOD), the separation distance is 400' for outdoor entertainment. The graphic below illustrates the 400' separation distance for outdoor entertainment that occurs between the hours of 11:00 p.m. and 6:00 a.m. The separation distance is measured in all directions, including across the street.



Citizen: If a property is zoned UMUD, MUDD or TOD, do the parcels on either side have to be MUDD, UMUD or TOD? It doesn't matter if parcels adjacent to the use are zoned B-1, for example?

Ms. Campbell explained that when measuring the separation distance, the zoning on adjacent parcels does not matter, unless it is zoned single family. It is the zoning where the use is located that triggers the separation distance to the nearest property line of a vacant lot or single family dwelling when either is located in a single family district.

Citizen: The current MUDD requirement is zero now, correct?

Ms. Young responded, no. There is currently a 100' separation distance required in MUDD for nightclubs, bars and lounges. In the urban districts (including MUDD), the measurement is to the nearest residential use in a residential district. Residential districts include the UR districts and the multi-family districts, for example.

Citizen continues: What about an establishment in MUDD with entertainment located in a building with apartments above?

Ms. Young answered that the 100' measurement is to the nearest residential use in a residential district. MUDD is not considered a residential district, although people can live in a MUDD district. If an establishment is located on the first floor of a building located in the MUDD zoning district, there is no separation distance required to apartments located above the establishment.

Citizen continues: In the new recommendations, a 400' separation distance is proposed, if the use is not located in a MUDD or urban district. Isn't that the current separation distance in this situation? What is the change?

Ms. Young responded that currently a 400' separation distance is required for nightclubs, bars and lounges, and is measured to any residential use or district. The change is that the measurement now is only to a single family dwelling or vacant lot, when either is located in a single family zoning district, which are the R-3, R-4, R-5, R-6, and R-8 zoning districts. Ms. Young gave an example: If a dwelling is currently located in a B-2 zoning district there would be a 400' separation distance required. Under the proposed requirements, there would not be a separation distance because B-2 is not a single family zoning district.

Citizen continues: In the same example, if there are apartments located 200' away, that would not count under the proposal?

Ms. Young agreed. That is correct. Ms. Campbell added that if the single family use is zoned B-2, then there also would be no separation distance.

Citizen: If there is an outdoor seating/activity area that wraps around a building, and a single family dwelling is located close on one side, and the other side is not, can the use operate outdoor dining on the one side that meets the separation distance and not on the other side that doesn't?

Ms. Young responded that the outdoor activity area has to meet the separation distance. Yes, the use can keep the activity on the side of the outdoor activity area, where it will be in compliance, and close the other area after 11:00 p.m.

Citizen: For clarity, if a parcel adjacent to an establishment has a single family dwelling and is zoned single family, then the establishment would need to meet the separation distance.

Ms. Campbell responded that is correct. Or if the adjacent parcel was vacant, but zoned single family, then the establishment would have to meet the separation distance.

Citizen: What exactly is the activity? What is being measured? Is it the speaker, the edge of the crowd, or a pool table? Is the measurement taken from the device/apparatus to the property line?

Ms. Young answered that it is all of those activities, the seating area, the tables, and the activity area. Ms. Campbell added that it is not the crowd. Ms. Campbell reviewed the definition proposed for an outdoor seating/activity area: Any area outside the permanent building, including without limitation, patios, decks, rooftops, open areas, or parking lots where food or beverages are consumed or entertainment takes place.

Citizen: If there is a continuous patio, the edge around the patio is counted for the measurement? If part of the outdoor seating/activity area is okay, but another part is not, whose discretion is it to determine what part of the patio is okay? I recommend that the measurement be taken from the sound producing speaker, public address system, or device.

Ms. Campbell stated this is not about noise. We are not measuring noise. This is about compatibility of adjacent uses.

Citizen continues: But this is a sound producing device.

Citizen: Couldn't you just put up a door to cut off the part of the patio from use after 11:00 p.m.?

Citizen: That sounds like a great idea, but how does this work with enforcement? What if I put up fencing or piping and say this is patio A and this is patio B. Is this acceptable that I make the determination?

Ms. Young said enforcement will be complaint generated. For new businesses, the owner will indicate on their permit the outdoor activity area. Ms. Campbell added that closing part of an existing patio to be compliant is only required if the separation distances cannot be met for the entire outdoor seating/activity area.

Citizen: What about a situation where there is an outdoor wrap around porch. Corn hole is played outside the porch area. Where is the measurement taken from?

Ms. Campbell responded that the measurement is taken from wherever the activity takes place. In this case, the corn hole activity. She noted that there are many scenarios that we have discussed tonight. Staff has tried to cover all these situations. There will have to be some discretion on our part, and more importantly on property owners, to be a good neighbor.

Ms. Campbell resumed her presentation, summarizing the details of the proposed changes. The proposed recommendations:

- Makes it simpler for businesses to know how to comply with the rules and makes it easier for the City to enforce the rules on behalf of citizens.
- Relaxes a number of requirements for eating, drinking and entertainment establishments. It allows them to adapt and innovate to serve Charlotte's diverse business and neighborhood environment, but still maintain protection of residential areas.
- Identifies and addresses the need to regulate the secondary impacts that have been expressed by residential property owners.
- Creates simpler classifications and more flexible rules that will only impact eleven existing eating, drinking and entertainment establishments.

Ms. Campbell noted that of the 261,739 parcels in Charlotte's sphere of influence, only 334 single family parcels and 20 vacant parcels were impacted by the proposed regulations (located closer to eating, drinking, and entertainment establishments than 100' or 400'). This represents less than 1% of the residential parcels.

Citizen: Do you have the names of the eleven businesses impacted?

Ms. Campbell said yes, and we are continuing to refine our data.

Ms. Campbell continued with the presentation, noting that other related issues will be forwarded to the appropriate department:

- Zoning Ordinance changes alone will not fully address the issues that have been raised through this process.
- Staff will forward and request consideration of identified issues to other departments, including:
 - CMPD – Noise Ordinance enforcement
 - LUESA – Increased building code standards for mixed-uses and/or noise attenuation.

III. CAG Suggested Changes to the Recommendations and Discussion

Ms. Campbell reviewed three CAG issues of concern raised at the last meeting, and she noted she is hearing the same issues discussed tonight:

- Definition of entertainment is too broad. Some members recommended allowing unamplified televisions and music. We heard discussion about neighborhood pubs and eating, drinking and entertainment establishments and whether they should be allowed to continue to exist with outdoor activity areas that serve alcohol past 11:00 p.m. and have outdoor entertainment.
- No separation. Determine if there should be a separation if the activity is completely contained inside the building. This issue was raised by a resident who said there should still be a separation distance specifically for nightclub type uses.
- Impact on existing uses. How do we address the eleven uses that may become non-conforming due to the fact that they can't meet the proposed standards? How do we continue to protect residential areas?

Ms. Campbell reviewed the definition for “outdoor entertainment”. Outdoor entertainment means any activity or game, that is live, broadcast, or recorded which occurs on the premises of, but outside, an eating, drinking and entertainment establishment. Entertainment activity includes, but is not limited to, dancing, music, theater, or comedy performance, sporting event, trivia game, or game of skill or chance. Entertainment occurs outdoors when it is outside the permanent enclosed area, contained by permanent walls and a permanent roof of the establishment.

Ms. Campbell responded to a question asked earlier, “Are outdoor televisions considered to be entertainment”? She responded, yes. She noted that she heard appreciation from CAG members that the proposal is better than where we are today, however, it was noted that we may catch a lot of restaurants who are now providing entertainment activity in their establishments and are considered illegal uses. Ms. Campbell stated that eleven uses are impacted, and the data will continue to be refined. We will also be taking the proposed recommendations out to the community for review before moving toward adoption.

Ms. Campbell asked if there were additional comments or opinions about the recommendations.

Citizen: Selwyn Pub has been in business a long time and has outdoor television sets. I understand that as long as they don't have a number of complaints; what about “opening the door a bit” (relaxing the regulations)? But the problem comes after 11:00 p.m. when there can be loud people outside.

Ms. Campbell asked how could we relax the standards.

Citizen continues: Allow unamplified televisions.

Citizen: In five years, when we have a decent Hornet's game, and we're playing for a championship, people are going to get loud and proud. But if a neighbor complains we have to shut down the television? I appreciate all the work you've done, but we should not be legislating what

entertainment is. This is like legislating what morality is. I know I've been a frustrating voice here during all these meetings, but I still feel this is the wrong direction to go in. We talk about the eleven business owners, single them out, and cite them.

Ms. Campbell responded that we are not putting establishments out of business.

Citizen continues: It has always been a Noise Ordinance issue. And a few neighbors are still having issues with noise.

Ms. Campbell stated that the Noise Ordinance is not going to go away, and you can call it whatever you want to. However, for those restaurants that got shut down a year and a half ago for having entertainment, it was real. It is about how restaurants are defined in the Zoning Ordinance.

Citizen: If a sporting event runs past midnight, and it gets too loud, the Noise Ordinance should take care of that. You have a right to have televisions on your patio, but you don't have the right to scream your head off.

Ms. Campbell agreed. The Noise Ordinance will control amplified noise. It will not control voices and screaming. Also, this is not about noise; it really is about the intensity of uses. Ms. Campbell provided an example: Uses in the B-1 zoning district occur inside a building. B-1 uses are appropriate to be introduced in single family areas. However, a B-2 use can have outdoor storage. As things spill outside, that is an intensification of a use and its activity. That is what this initiative is about: the activities that occur inside and outside the building.

Citizen: At Selwyn Pub we have a full menu available until 2:00 a.m., 365 days a year. If people are screaming, they are probably over-served. This is not just about zoning, there are a number of agencies involved and rules to obey. If the kitchen is open and I'm selling food, and if someone is playing the juke box for background music, there are no complaints. If the television is on, there are no complaints. If you look at the full use, it is much like a restaurant where alcohol and food is being served. But when you have a use like a Coyote Joe's, that is a different use from a neighborhood pub. We are not promoting an event, the juke box and television is part of the value package. Is it too complicated to suggest that if you are serving a full menu, that the juke box and television are incidental uses and not primarily considered entertainment? They are part of the package.

Ms. Campbell used the example of Coyote Joes. The majority of the activity is inside. If activity spills outside, it is the same activity. No one would suggest that they are compatible with adjacent residential uses. It has nothing to do with size. It is the type of activity that is occurring. If it occurs inside, there is no separation. As it intensifies the site, by spilling outside, we are talking about compatibility with adjacent uses.

Citizen: I understand that some of the issues are covered by the Noise Ordinance. For businesses to have less discretion moving forward, allowing soft music, unamplified music, televisions set at low level would be good. There are still smoking areas and other areas where people can be loud or screaming, and interfering with neighbors. Televisions and music can create that, but neighbors can use the Noise Ordinance in those situations. We should not limit all the discretion, even if it impacts only eleven businesses.

Ms. Campbell said she understood.

Citizen: Who makes the decision of what is background music, soft music, and what is not? Is an enforcement officer going to make that decision on the spot? That is not possible. A definition for entertainment is also not possible. You can't define what entertainment is. You can't define entertainment with the phrase, "includes but is not limited to". That leaves it wide open for enforcement to say it is entertainment. It is too vague. If there is going to be a description, you

would have to list a thousand things. At the end of the day, it is going to be up to the discretion of the enforcement officer who shows up. It needs to be more spelled out, so that the enforcement officer is qualified and knows what entertainment is, and is not.

Ms. Campbell responded that you can use that perspective, or you can say that because entertainment is broadly defined, that as a restaurant or a bar, there are more opportunities than under the existing regulations. We are not going to go back to the existing regulations. I don't know how we can't define entertainment. Without a definition, there is no way enforcement officers can enforce.

Citizen: I think you have a problem with allowing unamplified music. Musicians with horns can be loud. If you say these establishments can have music after 11:00 p.m. with no separation distance, a bunch of saxophone players can be loud.

Citizen: It doesn't matter if a television is amplified or not. It is how loud this television speaker is vs. the juke box speakers? What is amplified? Is it a juke box? A television? Is it a big television? A small television? Is it a small speaker, a large speaker? What are the decibel levels? It just becomes so complicated, and up for interpretation for whoever is there enforcing the regulations.

Citizen: Again, this is not about noise. It is about the use. You can have anything inside the building or have a separation distance if it is outside. It doesn't matter if music or televisions are amplified or not. It matters what the use is. If you are not a good neighbor, and you violate the regulations, there are enforcement mechanisms. This has nothing to do with noise. It has to do with how close you are to a residential building. That is all we need to talk about.

Ms. Campbell agreed. She added that what happens from 6:00 a.m. to 11:00 p.m. and then after 11:00 p.m. When it is brought outside that is when there are additional requirements.

Citizen: In the Zoning Ordinance, are there other examples where the phrase, "including, but not limited to" used?

Ms. Campbell responded that the phrase "including, but not limited to" is used a lot. That is what zoning does; definitions becomes broader, not narrower. This definition is broader for entertainment.

Citizen: How many times is the impact "prohibited" in definitions?

Citizen: The impact is being used as a substitute for enforcement, I think. Regardless of what the Noise Ordinance is or isn't, this process will be used to take up for the slack in the Noise Ordinance. This process is about the use. We are venturing into the territory of trying to consider what may happen and how to use this as a mechanism to enforce sound.

Ms. Campbell stated that this is not what we are doing.

Citizen: I have to disagree with the citizen. When we look at rezonings proposed in a neighborhood, we specifically look at adjacent uses. We want to create uses that are compatible and appropriate. The same thing is happening here. This is a use issue. A single family dwelling located next to a bar that is operating outside after 11:00 p.m. creates a problem.

Citizen: I agree, up to the point of playing televisions. But when you get down to the granular level, and we are talking about the amplification of televisions, it is not something you can put a cap on.

Ms. Campbell said that is the issue. It is television and music.

Citizen: Kennedy's has been a great neighbor in Elizabeth. Originally, it was Ethan's Restaurant and it was quiet and closed by 11:00 p.m. Then it became Kennedy's. It was Kevin's choice at Kennedy's to increase the level of entertainment. Kennedy's has been a good neighbor. But the adjacent residents did not get a say in the matter. That is what I am talking about, being a good neighbor.

Citizen: Then we are all in agreement that you should be able to have a television outside without a limit on how loud or soft the television can be, because we are going to rely on the fact that businesses, like Kennedy's are going to be good neighbors.

Citizen: But there are also bad neighbors.

Citizen: There is a process to take care of bad neighbors. You need to decide if it should be built into this process or another process.

Ms. Campbell responded that she agreed that there needs to be processes to appeal decisions. If there is an issue regarding zoning, appeals go to the Zoning Board of Adjustment. If there is an issue about noise, appeals of the Noise Ordinance go to court.

Citizen: You brought up Kennedy's. This is an example of the neighborhood being upset with one establishment that is nearly identical to another, because of the interactions that have gone on. Kennedy's is actually closer to the residential properties than the other use. What we are in danger of doing is hurting the good neighbor use, by saying you can no longer have televisions because that location has more sport event attendance. Their front door is within 100' of single family properties. What are they going to do? If you want discretion to allow code enforcement to do their job, don't ban every single thing, and deal with it through complaints. Then everyone is back in the same situation, they are technically in default, but by the grace of no enforcement they are okay. Change it so that the discretion is like what we did in the Noise Ordinance. Say that anyone using televisions in a bad way is the problem.

Citizen: Up until now staff has done a good job. For the definition, please remove the phrase, "includes, but is not limited to". Another suggestion is to have different levels of enforcement, with different levels of fines.

Ms. Campbell stated that if these regulations are approved by Council, there are about eleven businesses that would not be able to meet these standards. Staff is trying to figure out how to minimize the impact on Kennedy's and Selwyn Pub, for example. The majority of existing restaurants would be non-compliant under the existing regulations. We are trying to respond to the issue that we want these types of businesses in Charlotte, but they have to exist in a way that is compatible and that we need to protect the viability of the business and adjacent residential areas.

Ms. Campbell asked for concerns about the separation distances. We heard that there should not be a separation distance for businesses if the majority of that activity is completely contained inside the building. Does anyone disagree?

Citizen: That is fine, until the business decides to move activity outside.

Ms. Campbell responded that if they go outside, the proposed regulations require them to meet the separation distance, or seek a variance or rezone the property.

Citizen: If the activity is all inside, people do walk out and congregate at the front.

Ms. Campbell noted that when the activity moves outside, it is the property owner's responsibility to not allow people to act crazy outside.

Citizen continues: We talked about the first, second, and third violations. The problem we have had is that one resident was told that if they called and reported another complaint, they would be harmed. We do need to have a line of compliance. We don't want residents threatened if they file a complaint.

Citizen: This is conveying threats over the phone, and is not lawful.

Ms. Campbell reviewed the third concern: Impact on existing businesses. She reviewed the proposed regulations. If a business is serving alcohol outside after 11:00 p.m., and there is no entertainment outside, only eating and drinking outside, there is a requirement for a 100' separation distance or a buffer. If entertainment is then added outdoors, then the outdoor activity area must be separated by 400'. There are possibly eleven uses that can't meet the separation standards now.

Citizen: If there is a special event that occurs once before 11:00 p.m., do they need to meet the separation distance?

Ms. Young said this would not apply, if it was before 11:00 p.m.

Ms. Campbell asked for further comments.

Citizen: Is there an appeal process now if someone is in violation?

Ms. Campbell said that 30 or 40 cases have gone to Zoning Board of Adjustment, where business owners have appealed a decision on whether their activity was entertainment or not. Another solution is to go through the variance process, because the non-conformity is caused by a change in the Zoning Ordinance regulations. Or, conditions could be added, like the width of adjacent thoroughfares or streets, and measurements across them. There are a number of things staff could do that may mitigate the impacts slightly.

Citizen continues: So there is an appeal process established now? We don't need to reinvent the wheel?

Ms. Campbell responded yes, there is an appeal process. Staff can also look at changing the regulations so that those eleven businesses may be compliant.

Citizen: Consider adding some things for clarity for the Zoning Board of Adjustment by looking at 1) major thoroughfares, and how measurements are taken across them, and 2) building placement if a Class A buffer is not sufficient, or placing the outdoor activity area on the other side of the building to significantly lessen the impact.

Ms. Campbell added that some kind of conditions or mitigations could be considered, for instance, if a business existed before a certain date.

Citizen: What is a major thoroughfare?

Ms. Campbell responded that major thoroughfares are those over 100' in width, and are listed on a Thoroughfare Plan.

Citizen: Find a way to have grandfather provisions that would allow businesses to continue rather than shutting down, or the use of possible mitigation measures.

Citizen: Understand that businesses are not in compliance now. Grandfathering is not right.

Citizen: Established businesses relied upon the Zoning Ordinance regulations.

Ms. Campbell acknowledged that what has happened is a lot of pure restaurant businesses have morphed. When they got their original business license, they were an eating establishment. Then the business model changed. She understands this is what happened.

Citizen continues: And the Zoning Ordinance regulations were not zealously enforced.

Ms. Campbell agreed and added that once it came to light that a number of uses were operating this way, staff determined that something had to be wrong with the zoning regulations.

Citizen continues: And we are moving in a positive direction.

Ms. Campbell asked if there were additional suggestions.

Citizen: Stronger buffers.

Citizen: Is there any way we can look at the eleven businesses and talk to the actual property owners?

Ms. Campbell responded that she prefers to not release the names of the eleven business establishments that don't meet the proposed regulations until she has had the opportunity to reach out to them first, before they see their names in the newspaper. She said she prefers to be able to have a conversation with them so that they clearly understand what these proposed regulations are about.

IV. Wrap Up and Next Steps

Ms. Campbell addressed the next steps. It is vitally important that we have broad community understanding about these proposed regulations. We need your help in identifying businesses, attorney groups, business groups, and neighborhood groups that want to sit down and have a conversation with staff to talk about this. Please have any such organization contact us. We want to talk to them. We are going to take this show on the road during the months of June and July.

Ms. Campbell added that staff will e-mail CAG members on a monthly basis, providing a list and schedule of the meetings we will attend, so that CAG members can attend, if you wish. We will also post these on the website.

Following those meetings, in August we will reconvene and let you know what we heard, and we will be finalizing our recommendations in August and September. We hope to have a public hearing in September or October with a decision in October or November.

Citizen: It does a big disservice to have Council vote on this text amendment after the election.

Ms. Campbell agreed.

Citizen: Do you have a synopsis of these recommendations?

Ms. Campbell directed CAG members to the Planning website, where the recommendations can be found at:

http://www.charmeck.org/Planning/Rezoning/Rest_Bars_NghtClubs/Proposed_Text_Amendment.pdf

Ms. Campbell asked CAG members to contact Sonda Kennedy at 704 336-3818 or skennedy@charlottenc.gov to schedule a meeting with staff to review the recommendations.

Ms. Campbell thanked everyone for participating in this CAG process. Stay engaged. You don't need to attend the summer meetings, but you can if you wish. We will reconvene in August. She thanked everyone for their participation and acknowledged the contributions made by staff. The meeting was adjourned at 7:37 p.m.