

## 3 restaurants' rezoning OK'd to end problems

- By [SCOTT DYER](#)
- Advocate staff writer
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The Metro Council on Wednesday approved rezonings for three restaurants that had drawn fire from state Office of Alcohol and Tobacco Control for operating as bars.

ATC officials had turned up the heat on The Caterie on Perkins Road for allowing cigarette smoking late at night after it converts from a restaurant to a music venue.

The two other restaurants — Vincent's City Club on Florida Boulevard and the Exclusive Restaurant and Bar at North Acadian Thruway and Charles Street — had both been told by ATC officials to get rezoned in order to operate as bars late at night.

In the case of The Caterie, co-owner John Hill said he was seeking the rezoning in order to compete with two nearby bars that serve food and allow cigarette smoking.

"I'm here tonight to save the remaining jobs we have left," Hill told the council.

Michael Monsour, an attorney representing The Caterie, said the business has already laid off 25 percent of its employees due to a loss of business caused by the no-smoking issue.

The Caterie's rezoning request drew opposition from anti-smoking activists who warned that second-hand cigarette smoke is a health hazard not only for employees, but also for patrons.

Councilman Chandler Loupe suggested to the activists that a more comprehensive approach would be to persuade the Legislature to ban smoking in bars as well as restaurants.

"What you're doing here is a piecemeal approach," Loupe said.

The Caterie's rezoning passed by a 7-3 vote, with Ulysses "Bones" Addison, Joel Boé and Tara Wicker objecting. Ronnie Edwards abstained and Trae Welch was absent.

Mayor Pro Tem Mike Walker had previously voted against The Caterie's rezoning request due to smoking concerns, but said he voted in favor of the rezoning Wednesday to send a message to ATC regulators. Councilwoman Donna Collins-Lewis was absent when The Caterie rezoning came up previously, but supported it Wednesday night.

Cigarette smoking was not a factor with the other two restaurants rezoned Wednesday.

Vincent's City Club and the Exclusive Restaurant and Bar were both approved by identical 8-3 votes, with Edwards supporting both measures.

On behalf of Vincent's City Club, attorney Mike Clegg said his client doesn't plan to allow smoking, but is being required to rezone to a bar to comply with the requirements of state alcohol regulators.

Like The Cateria, Vincent's serves food, but turns into an entertainment venue late at night.

Councilwoman C. Denise Marcelle, whose district includes the Exclusive Restaurant and Bar, said that establishment has been operating for years as a bar.

"I've lived there all my life and it's always been a bar. I would have never guessed that it was zoned for a restaurant," Marcelle said.

Edwards abstained from The Cateria rezoning vote because of the smoking issue, but voted in favor of Vincent's and the Exclusive Restaurant and Bar rezonings.

In other action Wednesday, the Metro Council voted 11-0 to deny a rezoning to allow an art gallery near the Perkins Road overpass.

Oscar Shoenfelt had requested the rezoning of 0.31 acre at 2156 Perkins Road from single-family residential to neighborhood office to create a gallery where visiting artists could show their work.

Neighboring residents turned out to voice opposition to what they considered spot zoning.

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