



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, JUNE 25, 2019**

MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY, JUNE 25, 2019 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY, NORTH CAROLINA

CALL TO ORDER

Chairman LeeAnn Thomas called the meeting to order.

Planning & Zoning Board members present were: Jamie Hester, Carl Tuttle, LeeAnn Thomas, Charles Waddell and James Smith. Absent: None. Alternate: Vacant.

Town Manager Tammy Michael, Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, Town Attorney Jim Lanik (arrived 5:06) and Davidson County Zoning Officers Lee Crook and Travis Swain were also present.

APPROVAL OF MINUTES

On motion by Board member Charles Waddell, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the May 28, 2019 minutes as presented.

ADOPT AGENDA

On motion by Board member James Smith, seconded by Board member Jamie Hester, the Board voted unanimously to adopt the agenda as presented.

PUBLIC COMMENT PERIOD

There were none.

REGULAR BUSINESS

REVIEW – PROPOSED REGULATIONS FOR ELECTRONIC GAMING FACILITIES TO THE TOWN OF MIDWAY ZONING ORDINANCE NO. 17-03

At the Planning Board meeting held on May 28, 2019, the Board discussed proposed regulations for Electronic Gaming facilities in the Town.

Proposed regulations discussed included:

- Limiting the number of facilities to three (3) with at least a 1,000' foot buffer between facilities.
- Facilities are to be at least 1,000' feet from schools, churches, daycares, assisted living homes, fire departments and from property line to property line.
- Special Use Permitting process that would require all applications for Skilled Gaming facilities to first go before the Planning Board for recommendation and then proceed to a quasi-judicial

hearing before the Board of Adjustment.

- Implementing a sunset clause, which would shut down the facility within a certain amount of time if it is not in compliance with the Town's Zoning Ordinance.
- Whether or not to continue to let facilities operate around the clock, or to set operation hours between 8:00 a.m. and 12:00 a.m., covering the doors and windows and having one parking space for every machine and employee.

After discussion, the Planning Board requested additional time to make a decision on the proposed guidelines until the next Planning Board meeting on June 25, 2019.

Davidson County Zoning Officer Lee Crook presented to the Planning Board, a map of the Town highlighting what a 1,000-foot buffer and a 500-foot buffer would look like separating the three gaming facilities currently operating in the Town. Mr. Crook said that with a 1,000-foot buffer as a prohibited use in the Core Commercial Overlay District (CCOD), it would make it very difficult to get the three facilities in the Town as proposed. A 500-foot buffer would open up a couple more areas where facilities could operate.

After discussion, the Planning Board proposed the following standards for Electronic Gaming facilities in the Town for new facilities:

- Limiting the number of facilities to three with at least a 500-foot buffer between facilities. Current facilities operating in the Town would be grandfathered in.
- Special Use Permitting process that would require all applications for Skilled Gaming facilities to go before the Board of Adjustment for recommendation and then proceed to a quasi-judicial hearing before the Board of Adjustment.
- Facilities are to be at least 500-feet from schools, churches, daycares, assisted living homes or medical facilities, funeral homes, public parks, playgrounds, libraries, fire stations or other public safety facilities, any area where large numbers of minors regularly travel or congregate including but not limited to, public or private swimming pools and water parks and from property line to property line.
- All windows, doors, opening, entries, etc. for all electronic gaming operations shall be so located, covered, screened or otherwise treated that views into the establishment are not possible from any public or semi-public area, street or way.
- Electronic Gaming Operations not allowed as an accessory use.
- No person or entity engaged in an Electronic Gaming Operation shall allow, permit, or condone the presence of any person under the age of 18 within the Electronic Gaming Operation.
- Electronic Gaming Operations shall provide and maintain no less than one (1) parking space for every terminal, computer, machine, or gaming station within such Electronic Gaming Operation, plus one (1) parking space for every employee of such Electronic Gaming Operation.
- Signage for Electronic Gaming Operations shall comply with all standards of this ordinance including Article VI, Development Standards, Section 6.05 Standards for Signage, Paragraph G, Direct Illumination, Streamers and Flashing Lights.
- There shall be no more than three Electronic Gaming Operations located in the Town of Midway

at any given time.

No Electronic Gaming facilities would be allowed to operate in the Core Commercial Overlay (CCOD) District, only in the Highway Commercial (HC) District. The current gaming facility operating in the CCOD would be grandfathered in. However, if that facility were to cease operations for a period of one hundred eighty days, it would lose its grandfathered status and any new use would have to comply with the Town's Zoning regulations for the CCOD.

On motion by Board member James Smith, seconded by Board member Charles Waddell, the Board voted unanimously to recommend to Town Council amending the text of the Town of Midway Zoning Ordinance No. 17-03 as follows:

- Amend Article III Section 3.07, Core Commercial Overlay District (CCOD) by adding “*Electronic Gaming Operations*” to Section (14) Use Restrictions, (B) Prohibited Uses.
- Amend Article III Section 3.08, Table of Permitted Uses, by adding “*Electronic Gaming Operations*” to the Table of Permitted Uses.
- Amend by adding “*SB*” beside the new Electronic Gaming Operations use, under the Zoning District of Highway Commercial (HC).
- Amend Article V. Special Uses, Section 5.08 Requirements for Individual Special Uses, by adding “*Electronic Gaming Operations*” as a new letter (*J*) with subsequent Special Use requirements under the new use.

Special Use Districts: HC

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

- Submittals:**
1. Elevations of the building as proposed
 2. Site plan showing the lot, with all existing and proposed buildings thereon and parking area.

- Standards:**
- A. Electronic Gaming Operations shall be located at a minimum distance of five hundred (500) feet, measured in a straight line in any direction from the property line of the proposed Electronic Gaming Operation to a property line of any of the following:
 - (a) A place of worship or other religious institution
 - (b) A daycare center or facility
 - (c) A public or private school
 - (d) A public park, playground, library or any area where large numbers of minors regularly travel or congregate including, but not limited to, public and private swimming pools and water parks.
 - (e) A fire station, police station or other public safety facility
 - (f) A nursing home or assisted living facility or medical facility
 - (g) A funeral home
 - (h) Another Electronic Gaming Operation
 - B. All windows, doors, openings, entries, etc. for all Electronic Gaming

Operations shall be so located, covered, screened or otherwise treated that views into the interior of the establishment are not possible from any public or semi-public area, street or way.

- C. Electronic Gaming Operations are not allowed as an accessory use.
 - D. No person or entity engaged in an Electronic Gaming Operation shall allow, permit or condone the presence of any person under the age of 18 within the Electronic Gaming Operation.
 - E. Electronic Gaming Operations shall provide and maintain no less than one (1) parking space per every terminal, computer, machine or gaming station within such electronic gaming operation, plus one (1) parking space per every employee of such Electronic Gaming Operation.
 - F. Signage for Electronic Gaming operation shall comply with all standards of this ordinance including Article VI, Development Standards, Section 6.05 Standards for Signage, Paragraph G, Direct Illumination; Streamers and Flashing Lights.
 - G. There shall be no more than 3 Electronic Gaming Operations located in the corporate limits of the Town of Midway at any given time.
- Amend Article IX. Definitions, to add ***ELECTRONIC GAMING OPERATIONS***: Any for-profit business enterprise, where as a principal use persons use electronic machines, including but not limited to computers, and gaming terminals, to conduct games, whether games of odds or chance or games of skill or dexterity, where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played, by predetermined odds, or by any other method. Electronic Gaming Operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines, or cybercafes. This definition does not include any lottery approved by the State of North Carolina.

OTHER BUSINESS

There was none.

ADJOURNMENT

On motion by Board member James Smith, seconded by Board member Charles Waddell, the Board voted unanimously to adjourn the meeting at 5:57 p.m.

LeeAnn Tuttle-Thomas, Chairperson

Tammy H. Robertson, Deputy Clerk

