



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, APRIL 30, 2019**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
APRIL 30, 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: Charles Waddell, LeeAnn Thomas, Carl Tuttle, James Smith and Jamie Hester Absent: None. Alternate: Vacant.

Town Manager Tammy Michael, Deputy Clerk Tammy Robertson, Davidson County Planning Director Guy Cornman, Davidson County Zoning Officers Lee Crook and Travis Swain were present. Absent: Town Clerk Linda Hunt.

APPROVAL OF MINUTES

On motion by Board member James Smith, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the March 26, 2019 minutes as presented.

ADOPT AGENDA

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

PUBLIC COMMENT PERIOD

There were none.

REGULAR BUSINESS

PUBLIC WORKSHOP – SKILLED GAMING FACILITIES

At the Town Council regular meeting held on May 7, 2012, Council adopted an Ordinance to Amend the Text of the Town's Zoning Ordinance as it pertains to Electronic Gaming facilities. In that ordinance, gaming facilities were prohibited in the Core Commercial Overlay District (CCOD) and could only operate in the Highway Commercial Districts (HC).

Upon adoption of the Town of Midway Zoning Ordinance No. 17-03 on June 5, 2017, gaming facilities were mistakenly overlooked and were not included in the ordinance. Now, Council is in the process of re-adopting the same regulations along with adding additional stipulations.

At the Town Council regular meeting held on January 7, 2019, Council adopted an Ordinance Imposing a Temporary Moratorium on Development Approvals for Internet Sweepstakes Businesses Ordinance No. 02-19 using the time to develop regulations pertaining to gaming facilities in the Town.

The Public Workshop on Skilled Gaming Facilities was advertised in *The Dispatch* on April 12 and April 19, 2019.

Chairperson LeeAnn Thomas opened the Public Comment Session.

No one was present to speak on Skilled Gaming facilities.

On motion by Board member James Smith, seconded by Board member Carl Tuttle, the Board voted unanimously to close the public comment period on Skilled Gaming facilities.

Davidson County Zoning Officer Lee Crook briefed the Planning Board on different levels of regulations that neighboring cities have adopted in regards to gaming facilities, stating that the City of Lexington is also currently under a moratorium and forming regulations in regard to gaming facilities.

Mr. Crook stated that the Planning Board would need to determine the level of regulation and the approval process for the gaming facilities. The Zoning Ordinance adheres to a table of permitted uses and Electronic Skilled Gaming facilities would need to be added to the table. Multiple levels of approval would still need to be determined such as, use by right, use with development standards with conditions, or a special use that would require a public hearing with Board approval or Town Council approval only.

The Planning Board discussed adding the following stipulations for Electronic Gaming facilities in the Town:

- Limiting Electronic Gaming facilities in the Town to three, with at least 1,000 feet between facilities.
- Facilities are to be at least 1,000 feet from schools, churches, daycares, assisted living homes, fire department and from property line to property line.

The Planning Board also favored a 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.

Currently, there are three gaming facilities in the Town. Under the proposed standards, no additional facilities would be allowed to operate in the Town unless an existing facility is vacated. The gaming facility currently operating in the CCOD would be grandfathered into the new regulations.

Guy Corman and Lee Crook will consult with Town Attorney Jim Lanik and present the discussed regulations and Special Use Permit with the Planning Board at the next regular Planning Board meeting on May 28, 2019. If the Planning Board votes in favor of the regulations, the Town Council would hear the proposal at the regular Town Council meeting on June 3, 2019 for final approval.

ADJOURNMENT

On motion by Board member Charles Waddell, seconded by Board member James Smith, the Board voted unanimously to adjourn at 6:38 p.m.

LeeAnn Thomas, Chairperson

Tammy H. Robertson, Deputy Clerk

