

**MINUTES
YANCEYVILLE PLANNING BOARD
JUNE 19th, 2019
5:15 PM**

The meeting of the Yanceyville Planning Board was held at the Yanceyville Municipal Services Building on Wednesday, June 19th, 2019 at 5:15 p.m.

Board members present: Chairwoman: Patricia Price- Lea, Vice Chairwoman: Sylvia Johnson, Layton Everitt, and Julian Williamson

Board member absent: Darrell McLean

Also, present: Brian Collie- Town Manager/ Clerk, and Kamara Graves-Town Clerk

Item 1: Call to Order

Chairwoman Price- Lea called the meeting to order at 5:15 PM.

Item 2: Approval of Minutes- April 17th, 2019

After a short review, Chairwoman Price-Lea asked for a motion to approve the Yanceyville Planning Board minutes from April 17th, 2019 as presented. Chairwoman Price-Lea cited errors on page two under Item Three: Zoning Ordinance Amendment Review third paragraph last sentence she requested to change “sale’ to “sell”. She also requested on page two forth paragraph first sentence to change “sale” to “sell”. She then cited on page two fifth paragraph third sentence to add “ed” to the word “review”. Chairwoman Price -Lea requested on page four second paragraph first sentence to add “ed” to the word “ask” She requested on page four third paragraph last sentence add “ed” to the word “abandon”. After final review, Vice Chairwoman Johnson made a motion to approve the minutes with the corrections. The motion was seconded by Mr. Everitt and passed with a unanimous vote.

Item 3: Zoning Discussion

Mr. Everitt addressed Adult Gaming Establishment and Churches. He asked how are Churches going to be affected in reference to the location of an Adult Gaming Establishment? Town Manager Collie indicated that in the current Zoning Ordinance Adult Gaming Establishments must not be 200ft in distance within a Church. If the Adult Gaming Establishment was in operation prior to the re-adoption of the Zoning Ordinance by Town Council (May 7th, 2019) the Adult Gaming Establishment is considered a non-conforming use. Mr. Everitt asked what happens if the property becomes vacant where the Adult Gaming Establishment is located? Town Manager Collie noted that if the property becomes vacant for more than six months with non-activity the Adult Gaming Establishment will not be allowed to re-open as an Adult Gaming Establishment, the non- conforming use status is removed.

Town Manager Collie updated the Planning Board on non-conforming uses. He explained that there are several properties in the Town that are considered non-conforming uses. Non-conforming use means a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located (for example, a commercial office building in a residential district may be a nonconforming use). The term also refers to the activity that constitutes the use made of the property (for example, all the activity associated with running a bakery in a residential zoned area is a nonconforming use.) A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use. If active operations of a nonconforming use are discontinued for a continuous period of six months, the property involved shall thereafter be used only for a conforming use.

Town Manager Collie explained that all properties that have been allowed to be a zoning violation needs to be identified and recorded. The Planning Board and Town Staff will need to establish a list with properties that are considered a non-conforming use. Town Manager Collie suggested that the Planning Board make a recommendation to Town Council to generate a list of properties that are considered a non-conforming use within the Town and note their current uses. Town Staff will create a letter notifying and defining non-conforming uses with details surrounding current use and inactivity for all property owners and tenants of non-conforming use properties. Town Manager Collie noted that this list needs to be completed so that the Town can be protected, as well as assist the Town in enforcing the Zoning Ordinance.

Chairwoman Price-Lea asked if there are current properties that are considered a non-conforming use? Town Manager Collie answered that there are several properties within the Town that are considered a non-conforming use. Town Manager Collie explained that having a record of the of the properties considered a non-conforming use as well as notifying property owners and tenants of their non-conforming use status solves legal issues with zoning. Town Manager Collie explained that after Town Council reviews the recommendation, they will make a decision on how to move forward. If Town Council decides in favor of the recommendation from the Planning Board a list of properties will be generated and a letter explaining non-conforming use and regulations noted in the Zoning Ordinance will be mailed to all property owners and tenants with properties considered non-conforming.

Chairwoman Price-Lea asked for a motion. Mr. Williamson made a motion for the Planning Board and Town Staff to generate a list citing all properties that are considered a non-conforming use within the Town limits to present to Town Council. The motion was seconded by Mr. Everitt and passed with a unanimous vote.

Town Manager Collie noted that during the June 4th, 2019 Town Council Meeting, Town Council directed Town Staff to make note of a possible Text Amendment to Adult Gaming Establishments. He explained that Town Council requested that the Planning Board review Adult Gaming Establishments regulations at their next scheduled meeting on June 19th, 2019. After the Planning Board reviews the amendment made by Town Council, they will make a recommendation for Town Council to review at the July 9, 2019 Town Council Meeting.

Town Council Suggested:

Changing hours of Operation on Sundays: 1pm-12am (midnight)

Remove “church, synagogue, temple, or any other religious building”

Adult Gaming Establishments Regulations ADOPTED MAY 7th, 2019

- a. Adult gaming establishments may operate from 9:00am until 12:00am, Mondays through Saturdays, and 10:00am until 12:00am on Sundays.
- b. Adult gaming establishments shall not be located in the same building or on the same property where any public or private education facility, church, synagogue, temple, or any other religious building, bar, child care center, all residential dwellings, any general gaming establishment as a principal use, or any other existing adult gaming establishment is located. Adult gaming establishments shall also not be placed on properties within 200 feet of any of the aforementioned uses, measured from the closest point between the building housing the adult gaming establishment and the building housing the use from which the establishment must be distanced.
- c. *Adult gaming establishments are prohibited in or as a part of any check cashing facility.*
- d. All alcohol sales and consumption of alcohol is prohibited.
- e. No adult gaming establishment shall permit any person under the age of 18 to conduct games in the establishment or to supervise games in the establishment.
- f. The maximum number of terminals/computers/machines/gaming terminals and the maximum number of patrons using the electronic machines at one time shall be 20.
- g. The parking requirements for Indoor commercial recreation shall apply to all adult gaming establishments.

After a short discussion, Chairwoman Price-Lea asked for a motion. Vice- Chairwoman Johnson made a motion for the Hours of Operation on Sundays for Adult Gaming Establishments to open at 1pm-12am(midnight), and NOT to remove church, synagogue, temple, or any other religious building from the Adult Gaming Establishment regulations. The motion was seconded by Mr. Williamson and passed with a unanimous vote.

Item 4: Other Business

Chairwoman Price – Lea addressed a water issue that was mentioned to her by a concerned citizen. The property is located on Church street behind the Library. The water coming from the Library parking lot has caused the ditch to completely wash out leaving wires exposed.

Vice -Chairwoman Johnson addressed vehicles parking in the Street on Barco Street. She asked did the Town post “don’t block driveway” sign? Town Manager Collie replied no the Town has not posted any “do not block driveway” signage.

Vice -Chairwoman Johnson addressed an abandoned home on Eight Street with tall vegetation.

Item 5: Adjournment

After no further business, Chairwoman Price -Lea asked for a motion to adjourn. Mr. Everitt made a motion to adjourn seconded by Mr. Williamson. The motion passed with a unanimous vote.

Respectively Submitted:

Patricia Price- Lea, Chairwoman

Brian Collie, Town Manager/Clerk, and Kamara Graves, Town Clerk prepared the above minutes. They represent a brief description of those matters that were addressed at this meeting. A detailed account of this meeting is available for review on tape at the Yanceyville Municipal Services Building.