

**Minutes
Newton Planning Commission
July 24, 2012
Council Chambers
City Hall**

The regular meeting of the Newton Planning Commission was held at 7:00 p.m. on July 24, 2012 in the Council Chambers at City Hall.

Members

Present: Ken Simmons, Chairman
Melinda Travis
Jim Granny
Jim Smith
Donny Setzer
Stan Gabriel
Mark Stalnaker

Members

Absent:

Staff Present: Alex Fulbright, AICP, Assistant Planning Director
Max Sigler, Planner

Item 1: Call to Order

Chairman Simmons called the meeting to order at 7:00 pm.

Item 2: Consideration of Minutes of the June 26, 2012 Meeting

Chairman Simmons asked for consideration of the minutes of the June 26, 2012 meeting. There being no corrections or additions, Chairman Simmons ruled that the minutes were approved as presented.

Item 3: Old Business

Accessory Dwelling Units – Text Amendment: TA2012-02

Chairman Simmons recognized Assistant Planning Director Alex Fulbright who explained that the City Council requested that the Planning Commission revisit Accessory Dwelling Units. The issues identified by the Council and members of the public during the public hearing were as follows: potential number of occupants, permitted locations, and relationships of accessory dwelling units' occupants to the principal dwelling unit occupants.

After some discussion it was the consensus that the Planning Commission would table the issue till the next meeting and staff would gather additional information on the minimum housing code as relates to the maximum number of occupants in a dwelling units.

Temporary Uses and Structures – Text Amendment: TA2012-04

Chairman Simmons recognized Planner **Max Sigler** who reviewed his memo related to Temporary Uses and Structures. After some discussion, it was decided that temporary uses should be limited to the sale of produce and other seasonal agriculture products such as pumpkins and Christmas trees, as there was a desire to avoid the inclusion of yard sales and other miscellaneous items. A limit of 90 days was suggest to limit the duration and reduce the competition with permanent businesses. **Kevin Yoder**, Newton Fire Chief, explained how the fire code addressed temporary uses, which specifically applied to tents that exceed 400 square feet. He stated that wouldn't likely be an issue with produce vendors. The consensus of the Planning Commission was that staff brings the commission an ordinance that addressed their concerns.

Item 4: New Business

Discussion of Internet Sweepstake Cafes

Chairman Simmons recognized **Mr. Fulbright** to make a presentation to the Planning Commission. **Mr. Fulbright** reviewed his memo that addressed the following issues:

At the July 10, 2012, meeting of the Newton City Council a business privilege license was approved for Internet Sweepstakes Cafés. This fee is \$2,500 per establishment and \$1,000 per machine charged on an annual basis.

In conjunction with the privilege license, the City Manager has requested that the Planning Commission review the Zoning Ordinance as it pertains to Internet Sweepstakes Cafés. Currently, Internet Sweepstakes Cafés are classified as amusement arcades and are allowed in the B-2, B-3, and B-4 zoning districts. There are six (6) of these businesses currently in operation within Newton. Internet Sweepstakes Café's provide video machines where customers pay for internet time to play a sweepstakes, with the machines revealing cash prizes. Under existing State law, Internet Sweepstakes Cafés are legal and they can be required to comply with reasonable local land use regulations regarding where they are located and how they are operated.

It was explained that the Planning Commission can certainly consider the land use impacts of these businesses and adopt appropriate restrictions. Local regulations can address typical land use issues such as parking and traffic considerations. They can also address compatibility with surrounding land uses. Three zoning approaches have been used around the state.

1. Treating Internet Sweepstakes Cafés the same as other commercial recreational operations of similar size and nature, such as video arcades or bowling alleys.

2. Treating Internet Sweepstakes Cafés like other businesses with a predominately adult clientele or where there are large cash transactions, such as bars, nightclubs, or pawn shops.
3. Treating Internet Sweepstakes Cafés similarly to adult entertainment businesses with reasonable separations from each other and from other sensitive land uses. In addition to regulations on where the businesses can locate, it may also be reasonable to consider operational restrictions, such as limits on hours of operation.

Jurisdictions within Catawba County are mixed when it comes to dealing with Internet Sweepstakes Cafés. Conover, Catawba County, and Newton currently treat the business as a commercial recreation use, the same as arcades and bowling alleys. Hickory and Maiden treat Internet Sweepstakes Cafés as an adult use and require that a special use permit be issued and a minimum distance separation from other sensitive uses such as churches, schools, and daycares.

It was the consensus that the Planning Commission would continue discussion of this item at its next meeting.

Item 5: Reports

Chairman Simmons recognized Mr. Fulbright who reviewed the department's activity report.

Item 6: Adjournment

With no further business, the meeting was adjourned.

Respectfully submitted,

Alex Fulbright, AICP
Recording Secretary