



SUMTER CITY - COUNTY PLANNING COMMISSION

Minutes of the Meeting

March 26, 2012

Special Meeting

ATTENDANCE

A special meeting of the Sumter City – County Planning Commission was held on Monday, March 26, 2012, in the Planning Department Conference Room (12 West Liberty St.). Eight board members: Mr. Jay Davis; Mr. Burke Watson; Mr. David Merchant; Mr. James Davis; Ms. Sandra McBride; Mr. David Durham; Mr. Charles Segars; Mr. Dennis Bolen – and the secretary were present. Ms. Constance Lane was absent. The meeting was called to order at 3:00 p.m. by Mr. Jay Davis.

NEW BUSINESS

OA-12-01, Electronic Gaming, Internet Sweepstakes, and other uses related to Simulated Gambling Devices (County) was presented by Mr. George McGregor. The board reviewed this request to amend the Sumter County Zoning and Development Standards Ordinance to define, develop standards, and permit establishments in select zoning districts where customers use electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance and other games which simulate gambling or simulate games of chance, where the use of sweepstakes promotions are offered and revealed on the electronic machines, and where cash, merchandise or other items are redeemed or distributed, whether or not that distribution is determined by electronic, machine, or computer game played or by predetermined odds. These uses are sometimes described as Internet cafes, cybercafés, sweepstakes promotions, sweepstake parlors, and/or adult gaming. Mr. McGregor stated it is staff's recommendation to add this use to the County Zoning Ordinance as a permitted use upon Special Exception review in the General Commercial and the Light Industrial-Wholesale zoning districts with the following series of recommended conditions:

1. Separation

Staff considers this use like the other uses in the zoning ordinance that require separation from incompatible uses. Uses like tattoo parlors, adult uses, bars or liquor stores are incompatible, the community has already said they are incompatible, with places like churches, schools, parks, playgrounds and those kinds of things. It is staff's recommendation that we include a separation of 300 feet. The 300 feet matches our separation treatment of liquor stores and drinking places. Staff thinks this is a fair and reasonable approach. This is what we are separating from: a structure to structure measurement

from any residence, church (stand alone and in-line tenant spaces), school, park, playground, liquor store or bar. Staff is also recommending an additional 1,000 ft. from any other Electronic Gaming/sweepstakes establishment in order to prevent clustering which has a negative impact on the community.

2. Hours of Operation

Mr. McGregor stated that hours of operation is a question that is widely debatable. Staff has heard from many of the proponents who have requested a longer time period; they would prefer to see 8:00 a.m. to midnight Monday through Thursday (speaking categorically and not one specific applicant); 8 a.m. to 2 a.m. Friday and Saturday; and have Sunday hours as well. Staff takes a little more conservative approach based on comments from both the Sheriff and Police Chief. Staff recommends the following hours of operation:

Monday to Friday-- 8:00 a.m. to 10:00 a.m.

Saturday-- 8:00 a.m. to 12:00 a.m.

Sunday—Prohibited

3. Parking

Mr. McGregor stated staff has spent a lot of time on parking trying to really understand what the parking impacts are. The fallback recommendation is if you have one customer per one terminal, that is the maximum number of parking spaces you would need. Staff does not have the ability to assume carpooling or assume numbers of patrons. What we do know is that a location that has x number of stations or terminals for computers could have that number of patrons, therefore the one-to-one makes sense barring any other information.

4. Maximum Number of Terminals

Mr. McGregor stated staff has clearly taken a conservative position on the number of terminals. Staff is not in concurrence with Mr. Land (Terry) and other applicants who are advocating for a larger number of terminals at their locations. As more terminals are added to a location, it becomes bigger and it becomes more of an incompatible use to neighbors than the smaller numbers are. Staff thinks the more controlled lower number the better in terms of minimizing the nuisance aspects, minimizing threats to public safety. One applicant is recommending a minimum of seventy-five (75). Seventy-five (75) is a lot of terminals. It becomes a gaming place of large magnitude. If you adopt the one-to-one, that will be seventy-five parking spaces and that's a big location. The larger it is the more impacts it has.

Mr. McGregor stated the board had been provided a sampling of those places in North Carolina that more strictly regulate this kind of use. There are certainly North Carolina jurisdictions that have not placed a per terminal limit on this kind of use in their locality. There are places in NC and Florida that allow seventy-five terminals per location. Staff's concern is the impact on the community and the land use.

5. Age Limit and Alcohol

Mr. McGregor stated that alcohol and limit on age do not appear to be an outstanding issue with the applicants at this point. This type of use is an adult experience and is not suitable for those under the age of 18. Staff does not think it is suitable to combine with alcohol. If combined with alcohol, it would be treated like a bar or drinking establishment as well as a gaming location and would have to meet both requirements. He clarified this by stating that at establishments that meet the criteria for this use, no alcohol will be consumed, served or available for purchase on premises.

6. Individual Machines and Accessory Uses

Mr. McGregor stated staff has been dealing with this issue predominately as larger, stand alone uses – places where folks come to do these things. Staff has had contact with other people in the business community who asked if they could have a machine in their bar, or will they be permitted in a convenience store. Staff has not been focused on that from the start as we have been dealing with business owners who wanted to open up a multiple terminal destination location. As such, it had been staff's recommendation to treat all of these uses as primary and not permit them as accessory uses – meaning not to permit these individual machines in convenience stores. If that is the use, these machines don't need to be in convenience stores or bars like we permitted them during the video poker season. If we want to open the window to allow these uses as accessory, it changes the definition because you are no longer talking about using sweepstakes promotions to sell internet time or phone cards. You are asking to have them as money makers for amusement as accessory uses. It is currently staff's position not to allow as accessory uses – to only allow the use in establishments that meet this criteria.

7. Licensing

Mr. McGregor stated staff continued to research this and came up with a starting point recommendation on how to manage the licensing, review and enforcement because it is staff's position that they will put a greater burden on the Police Department, the Sheriff, business license and revenue collection agencies as well as zoning enforcement. This allows us to monitor them better and allows us the resources to do so. Staff recommends the following: \$2500 per business fee on an annual basis; an additional \$500 per terminal to be renewed on an annual basis.

Mr. Jay Davis expressed concern about the County profiting from the collection of the fees.

Mr. Terry Land spoke on behalf of the other applicants. He stated that the industry wanted a lower parking rate (1 space per 3 terminals), a higher terminal number (min. 30, max. 100), longer hours of operation

including Sunday, and lower licensing fees. He also stated that no measurement for separation of houses should extend beyond the General Commercial District (GC).

After a lengthy discussion, Mr. Burke Watson made to motion to recommend approval of this request as amended:

- Amend Article 10 by adding the definition:

Electronic Gaming Operations: Any business enterprise, whether as a principal use or an accessory use, where persons use electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, actual or simulated, including sweepstakes, and 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 or by predetermined results. This term includes, but is not limited to internet cafes, internet sweepstakes, cybercafés, sweepstakes promotions, or sweepstake parlors. This does not include any lottery approved by the State of South Carolina.

- Amend Article 3, Section 3.i.4. by inserting:

j. Electronic Gaming Establishments (SIC 7999)

and renumber subsequent...

- Amend Article 3, Section 3.k.4. by inserting

l. Electronic Gaming Establishments (SIC 7999)

and renumber subsequent...

- Amend Article 3, Exhibit 5 by inserting

Uses	GC	LI-W	SIC Code
<i>Electronic Gaming Establishment</i>	S	S	7999

- Amend Article 5, Section 5.b.3.k. by deleting current entry for Video Poker and replacing with the following:

k. Electronic Gaming Establishment

- 1. The use shall not be located within a 300 ft., measured from structure to structure, from any residence, church, school, park, playground, liquor store or bar, and shall not be located within 1,000 ft. from any other Electronic Gaming/sweepstakes establishment.*

	<p>2. <i>Hours of operation shall be limited in the following manner:</i></p> <p style="padding-left: 40px;"><i>Monday to Friday-- 9:00 a.m. to 2:00 a.m.</i> <i>Saturday-- 9:00 a.m. to 12:00 a.m.</i> <i>Sunday-- Prohibited</i></p> <p>3. <i>Parking required: 1 space per sweepstakes terminal and 1 employee space</i></p> <p>4. <i>The maximum number of terminals per establishment: 20</i></p> <p>5. <i>No one under 18 years of age permitted</i></p> <p>6. <i>No alcohol shall be consumed, served or available for purchase on premises</i></p> <p>7. <i>A primary use is a sweepstakes establishment with 1 or more machines. A primary use must meet all of the requirements of this section. Individual machines shall not be permitted as an accessory use.</i></p> <p>The motion was seconded by Mr. Charles Segars and carried a unanimous vote.</p>
OTHER BUSINESS	NONE
ADJOURNMENT	<p>With no further business, Mr. David Durham made a motion to adjourn the meeting at approximately 4:25 p.m. The motion was seconded by Mr. David Merchant.</p> <p>The next regularly scheduled meeting is March 28, 2012.</p>
	<p>Respectfully submitted,</p> <p style="text-align: center;"><i>Wanda F. Scott</i></p> <p>Wanda F. Scott, Planning Secretary</p>