



**CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT**

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June 3, 2024

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT:

*Consider amending the Zoning Ordinance to define and regulate the location of skill games;
and*

*Consider amending the Zoning Ordinance to further regulate the location of tobacco, smoke,
or vape shops*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: May 8, 2024**

Chair Finnegan read the request and asked staff to review.

Mr. Fletcher presented both items together in one presentation for the Planning Commission. However, the information presented within these minutes is in two separate sections for each request.

Location of skill games

Mr. Fletcher said in 2020, the Virginia General Assembly criminalized most playing and operating of “skill games,” with an effective date of July 1, 2021. On December 6, 2021, a Virginia circuit court issued an injunction ceasing enforcement of that law. On October 13, 2023, the Supreme Court of Virginia vacated that injunction. At this time, the operation and playing of skill games in Virginia is generally unlawful.

During its 2024 Regular Session, the General Assembly passed SB 212, which addresses skill games. Governor Youngkin proposed amendments, which the General Assembly did not accept. For more information, visit Virginia’s Legislative Information System (LIS) – 2024 Session - SB 212 Virginia Small Business Economic Development Act; established at <https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+SB212>.

The City’s Zoning Ordinance (ZO) does not directly address skill games, which were previously treated as accessory to otherwise permitted uses. City staff is proposing to amend the Zoning Ordinance (ZO) Sections 10-3-24, 10-3-25, 10-3-25.1, 10-3-84, 10-3-87, 10-3-90, 10-3-93, 10-3-

97, and 10-3-99. The proposed amendments would define “skill game” and “skill game location” and establish that a skill game location is a principal use allowed by right in the B-1 and the B-2 districts while also allowing them with an approved special use permit (SUP) in the M-1, General Industrial District. In all three districts, skill game locations would be prohibited on property within 1,000 feet of any property containing a public or private school or child day care center. The proposed amendments would also create off-street vehicle and bicycle parking requirements for the use. (NOTE: In a separate staff report, staff is simultaneously proposing similar ZO amendments associated with “tobacco, smoke, or vape shops.” Refer to the other staff report for specifics associated with those amendments.)

If SB 212 is enacted into law, then beginning July 1, 2024, skill games would become legal in many locations. The schedule of these proposed ZO amendments is intended to allow Planning Commission to offer its recommendation and provide City Council the option of adopting amendments to the ZO addressing skill game locations prior to the effective date of any potential state legislation. If City Council adopts amendments at its second reading on June 25, 2024, it could prevent skill game locations from being established on properties that are within 1,000 feet of a public or private school or child day care center.

The entirety of the proposed ZO amendments are provided within the attached document titled “Proposed Zoning Ordinance Amendments Regarding Tobacco, Smoke, or Vape Shops and Skill Game Locations.” For ease of reference, the proposed definitions for “skill game” and “skill game location” are shown below:

Skill game (including skill game machine): An electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by the predominant skill of the player and that may deliver or entitle the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash or cash equivalents whether the payoff is made automatically from the device or manually.

Skill game location: Any establishment that provides for the use of any number of skill games or skill game machines.

If the amendments are approved as currently drafted, should the State Code be amended to legalize skill games, then skill game locations could operate by right on property zoned B-1 or B-2, or with an SUP on M-1 property, but only if the property is not located within 1,000 feet of a public or private school (excluding colleges and universities) or a child day care center. Because skill games are currently not permitted, if the amendments are approved as presented, properties that might have previously operated skill games, might not be permitted to be a skill game location. Again, it will depend on the site’s vicinity to a public or private school or child day care center.

Note that child day care centers differ from minor and major family day homes. The ZO defines “child day care center” as:

A regularly operating service arrangement for two (2) or more children under the age of thirteen (13), where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision and well-being of a child for less than a twenty-four-hour period, in a facility that is not the residence of the provider or of any of the children in care. A nursery school shall be considered to be a child day care center.

Examples of child day care centers include the Harrisonburg-Rockingham Child Day Care Center and Minnieland Academy at Harrisonburg. Note that the distance requirement in the proposed ordinance is not associated with locations of minor and major family day homes, which are often located in residential districts and within a home of the provider or of any of the children, who receive care.

Included in the packet of information for the proposed ZO amendment is a map titled Potential Skill Game Locations and Tobacco, Smoke, or Vape Shops. The map demonstrates parcels that, if the amendments are approved, *might* be able to contain skill game locations. The map is likely not 100 percent accurate as it might not have incorporated all known public or private schools or child day care centers. When a new skill game location is proposed to be located in the City, zoning staff would verify at that time that no public or private schools or child day care centers are located within 1,000 feet of the property. The map also demonstrates the addresses of properties that skill game owners—Queen of Virginia and Pace-O-Matic—reported for personal property tax purposes. As shown on the map, if the amendments are approved, if a parcel is identified as B-1 (colored red), B-2 (colored orange), or M-1 (colored brown), then these sites might be able to contain skill game locations either by right or as required with an approved SUP.

On the map, if a blue dot, which represents a site that previously contained skill games, is shown on a red or orange parcel, that site might be able to operate a skill game location—as legally allowed by the State. If the blue dot is located in a gray-colored area, then, if the ZO amendments are approved, that site might not be able to operate a skill game location. Remember that since skill games are currently illegal, there would be no nonconforming skill game locations created if the proposed ZO amendments are approved on the schedule discussed above. Note that it is possible that there are other locations staff is unaware of that operated skill games.

Location of tobacco, smoke, or vape shops

Mr. Fletcher said, in 2023, staff internally discussed the idea of restricting the location of tobacco, smoke, or vape shops. In this effort, staff prepared draft regulations to limit the use to particular zoning districts and created maps that helped evaluate the impact of prohibiting such businesses from operating on property that was 1,320 feet (a quarter mile) or 2,640 feet (a half mile) from public and private schools or child day care centers. Staff had planned to discuss the draft regulations with Planning Commission with the hope to receive guidance from them regarding the appropriate distance they believed tobacco, smoke, or vape shops should be located from public or private schools or child day care centers.

During its 2024 Regular Session, the General Assembly passed and the Governor approved HB 947, which specifies that localities cannot restrict the location of tobacco, smoke, or vape shops to

more than 1,000 feet from public or private schools or child day care centers. For more information, visit Virginia’s Legislative Information System (LIS) – 2024 Session – HB 947 Local government; regulation by ordinance for locations of tobacco products, etc. at <https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+HB947>.

Currently, the Zoning Ordinance (ZO) considers tobacco, smoke, or vape shops as a mercantile establishment and thus they have been permitted where general retail uses are permitted, which mainly includes the B-1, Central Business District, the B-2, General Business District, and on R-5-zoned property with an approved special use permit (SUP). City staff is proposing to amend the ZO Sections 10-3-24, 10-3-25, 10-3-25.1, 10-3-84, 10-3-87, 10-3-90, 10-3-93, 10-3-97, and 10-3-99. The proposed amendments would define “tobacco, smoke, or vape shop” and establish it as a principal use, distinguishing it from other mercantile uses, allowing it by right in the B-1 and the B-2 districts while also allowing them with an approved SUP in the M-1, General Industrial District. In all three districts, the use would be prohibited on property within 1,000 feet of any property containing a public or private school or child day care center. The proposed amendments would also create off-street vehicle and bicycle parking requirements for both uses. (NOTE: In a separate staff report, staff is simultaneously proposing similar ZO amendments associated with “skill game locations.” Refer to the other staff report for specifics associated with those amendments.)

The entirety of the proposed ZO amendments is provided within the attached document titled “Proposed Zoning Ordinance Amendments Regarding Tobacco, Smoke, or Vape Shops and Skill Game Locations.” For ease of reference, the proposed definition for “tobacco, smoke, or vape shop” is shown below:

Tobacco, smoke, or vape shop: A business involving the sale or sampling of tobacco products, nicotine vapor products, alternative nicotine products, and hemp products, as those terms are defined in the Code of Virginia §18.2-371.2, and any kratom products as regulated by the Code of Virginia §59.1-200, and where such products are 25% or more of the store’s total inventory or 15% or more of the store’s total display area.

If the amendments are approved as currently drafted, individuals wanting to establish a new tobacco, smoke or vape shop must ensure they are locating on property zoned B-1 or B-2 or on M-1 property with an approved SUP, but only if the property is not located within 1,000 feet of a public or private school or child day care center.

With regard to existing tobacco, smoke, or vape shops, depending upon a site’s vicinity to a public or private school or child day care center, the amendments either would have no effect on their operation or some businesses would become nonconforming. Also note that any existing or new tobacco, smoke, or vape shop could later become nonconforming if a public or private school or child day care center locates within 1,000 feet of the business.

Note that child day care centers differ from minor and major family day homes. The ZO defines “child day care center” as:

A regularly operating service arrangement for two (2) or more children under the age of thirteen (13), where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision and well-being of a child for less than a twenty-four-hour period, in a facility that is not the residence of the provider or of any of the children in care. A nursery school shall be considered to be a child day care center.

Examples of child day care centers include the Harrisonburg-Rockingham Child Day Care Center and Minnieland Academy at Harrisonburg. Note that the distance requirement in the proposed ordinance is not associated with locations of minor and major family day homes, which are often located in residential districts and within a home of the provider or of any of the children, who receive care.

Included in the packet of information for the proposed ZO amendment is a map titled Potential Skill Game Locations and Tobacco, Smoke, or Vape Shops. The map demonstrates parcels that, if the amendments are approved, *might* be able to contain tobacco, smoke, or vape shops. The map is likely not 100 percent accurate as it might not have incorporated all known public or private schools or child day care centers. When a new tobacco, smoke, or vape shop is proposed to be located in the City, zoning staff would verify at that time that no public or private schools or child day care centers are located within 1,000 feet of the property. The map also shows the addresses of business license locations reported to be tobacco, smoke, or vape shops. As shown on the map, if a parcel is identified as B-1 (colored red), B-2 (colored orange), or M-1 (colored brown), then these sites might be able to contain tobacco, smoke, or vape shops either by right or as required with an approved SUP.

On the map, if a green dot, which represents a site reported as a tobacco, smoke, or vape shop, is shown on a red (B-1) or orange (B-2) parcel, then the proposed ZO amendments might not impact their current operation. However, if a green dot is shown in a gray-colored area, that site might become nonconforming and so long as it continues to meet code requirements for nonconforming abilities, it can be maintained.

Staff recommends approving both ZO amendments.

Chair Finnegan asked if there were any questions for staff.

Vice Chair Byrd asked you were talking about 1,000 feet, is that from the border of the property?

Mr. Fletcher said the property boundary, the whole property.

Vice Chair Byrd said what caused Downtown to be grayed out?

Mr. Fletcher said the Harrisonburg-Rockingham Child Daycare is located Downtown. It is not all of Downtown of course.

Chair Finnegan said before the meeting I had the question of why a thousand feet, but you answered that. It was set by the General Assembly. That is essentially the General Assembly saying localities cannot ban these.

Mr. Fletcher clarified cannot ban them further than that.

Chair Finnegan said outright. It is pretty clear to me one skill game or 20 skill games, it is a skill game location. Is that the same for vape products? One vape product...

Mr. Fletcher said no sir, in the definition, if I could request for you to look at your staff report because it will be easier for you to read. You will see in there and I can pull it up just for folks and it talks about percentage...the last sentence which states "and where such products are 25% or more of the stores total inventory or 15% or more of the stores total display area." Of course, we all know that convenience stores often times will sell such products but the convenience store often is not just a tobacco, vape, and smoke shop. I do want to point out, I sort of alluded to this earlier, that it is possible that if we had concern about a particular location that it may have to be recategorized based upon this definition and then we would have to figure out whether or not it is nonconforming or not. Of course, they have control over it themselves. They can reduce the inventory. They can reduce the sale area in which they are going in. So there is some flexibility there about how they might transition themselves.

Chair Finnegan said there is nothing in here about...one of the objections that I have heard from local residents is just the bright lights and there is nothing in this regulation that is about the outward facing appearance of the vape shop.

Mr. Fletcher said no sir, there is not. They are treated just like any other use and we cannot regulate the content of a sign. We could attempt to figure out ways to control some of the lighting but that would be a much more rigorous evaluation to figure out how to go about doing that and then light emission and how to regulate the light emission. There are localities that I think do that but yes, we have heard some of the same complaints.

Commissioner Nardi said really what we are voting on is the 1,000-foot buffer?

Mr. Fletcher said that is one of the main components. I mean you are voting to establish them as principal uses. The skill games now would get a principal use and then creating the tobacco, vape, and smoke shop as a separate use from other general retail. I anticipated that the 1,000-foot buffer would be the one that would get a lot of focus.

Vice Chair Byrd said when you say separate do you mean as being clearly defined relative to a convenience store?

Mr. Fletcher said and any other retail store that sells that sells any kind of product, clothing, shoes, whatever it may be.

Commissioner Alsindi asked will it be possible to elaborate a little bit more on "it will depend on the site's vicinity to a public or private school or child daycare center." What does depend mean?

Mr. Fletcher said I know what you are talking about, I need a bit more context about the sentence.

Commissioner Alsindi said it is on the second page...

Chair Finnegan asked on second page of the skill games one?

Commissioner Alsindi said yes. In the paragraph before the last sentence. Where it says "again, it will depend on the site's vicinity to a public or private school."

Mr. Fletcher said that is the 1,000-foot buffer essentially is what we are referencing there.

Chair Finnegan said I do have a point of order question. Do we need to hold two public hearings like open, close, vote, open, close, vote or can we open one public hearing for both?

Mr. Russ said I think you can do a single public hearing and make it clear that you can speak on either. If we had a large crowd, then you would want to organize them, but it does not look like we do.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Arba Ahmad, owner of Mad River Mart at 710 Port Republic Road and multiple gas stations, came forward to speak to the request. He asked am I open to speak? I am not going to be trouble, I am going to tell you the truth. The main thing for the City, and the development for the planning, small business is the backbone for the City. Because of the small businesses the City and State collects revenue and makes money [unintelligible] developments. This kind of restriction on small businesses is going to kill the small businesses. Those families are going to be out of business. No one is going to come and help them, so they are going to go somewhere else. I moved from Chicago and opened one business. I have a gas station in Tazewell. I have five locations in Dayton; Crossroads, Dry River, Hall of Fame. I own the properties across the street from a chicken plant, the C&M Market, the whole property. I am not in favor of this as a businessman, it is going to kill the business. Those people are going to be out of business. Let's say somebody is in 1000 feet, he is affected, he is ran out business, what about 1,001 feet? What about 1,100 feet? In 1,000 feet businesses are going to be affected and 1,001 and 1,100 feet they are going to grow, they are going to make more money. In the end, the City is going to be in the loss because when some businesses run out of business, how can you collect revenue from that business? Everything is sale taxed. This is going to kill the businesses. Daycares have nothing to do with vape shop or the smoke shop. They do not know what a gaming machine is. Let's say the student comes to school, he spends 4 to 5 hours a day in school, the rest of the time he spends at home, 18 to 19 hours. We should stop or shutdown those businesses [unintelligible] in this house some students are living if the City keeps doing this around the business is going to be shut down. There are thousands of stores and businesses around the schools within 1,000 feet. They are going to run out of business. We are looking for the school and for the childcare but we are not looking [out] for those families that they are going to run out of business. Instead of that, we should support small businesses and we should give them more opportunities so that people can come here and the City grows. The

Mad River gas station was shut down, it was closed when I bought it. I came here and the City was not getting any revenue from that. You can check in the system how much in taxes and sale tax I paid for that shut down location, I opened it six years ago. If the City is doing it like this... whatever you are doing for the City we really appreciate, you want to grow the City. Bring the people here, bring the business here so the City can get revenue and everyone is happy. This is going to kill the businesses and people are going to leave, what happens then? See what other states...no one is putting restrictions on businesses. The gaming machines I am not running, I never put in the gaming machine. I am not in favor, and I do not put them in my store because for the gaming machine people come and they are smoking, they are doing drugs and people do not like to go to that store. The other states they have casinos...

Chair Finnegan said if you could just wrap up your comment. I just wanted to get clarification; you are speaking against both regulations? You are against the vape shop regulation and the [skill game].

Mr. Ahmad said the gaming personally... I have never put the machines in my store because I am not in favor of those. The families do not go to those stores. When there are gaming machines there are people that are drinking and smoking.

Chair Finnegan asked you are primarily speaking against the vape shop?

Mr. Ahmad said if the store is not selling tobacco what are they going to sell? This restriction is...I respect your decision, but it is going to kill the businesses, people will go out of business.

Chair Finnegan asked if there was anyone else in the room or on the phone wishing to speak to the request.

Todd Rhea, 2322 Alston Circle, came forward to speak to the request. I just have more of a question about what happens when a new daycare opens. Let's say that a new daycare opens in the middle of the commercial area around the mall, what happens to the tobacco and vape [shops], do they become nonconforming if they were conforming before that new daycare opened?

Mr. Fletcher said the interpretation is yes, they become nonconforming.

Chair Finnegan said they would be allowed to legally operate but not expand...

Chair Finnegan asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Mr. Fletcher said I failed to mention during the presentation you may have picked up in the staff report that staff thought it was the right thing to do which was to send out the notices to the businesses that we had identified. We were not required by code to do so but we did send out like 70 letters. I could not remember so do not quote me on the exact number but essentially it is every location that shows up on the map.

Ms. Dang said just to clarify, that total number was the mailing to both the business address and also the property owner who could be someone out of state.

Chair Finnegan said I knew that Harrisonburg has a lot of vape shops, but it is not a hundred.

Mr. Fletcher said we sent it to the physical address of the business and to the business owner even though we were not required, we just wanted to give them a heads up.

Chair Finnegan said thank you for that clarification. It does not tally them up on here. I counted 21 skill game locations that were identified on this map and then maybe 15 or 16 vape shops.

Vice Chair Byrd said I got 16 [vape shops] when I counted.

Vice Chair Byrd said I would say that if we adopt the 1,000 feet, we basically put a freeze on all the vape businesses that are currently in the gray area. If...

Chair Finnegan said there is an important distinction, I just want to make sure is clear, that one of these two regulations prohibits it from happening. The other, they become nonconforming. With vape shops they become nonconforming, but they are allowed to continue to operate. With the skill games, they would become prohibited.

Vice Chair Byrd said that is why I said it would put a freeze on the ones on the gray, as in the ones who already exist, and there would be no new ones in the gray. I said it that way to be clear that any existing business in the gray area can still exist.

Chair Finnegan said if it is a vape shop. Vape shops can continue to operate, skill games cannot.

Vice Chair Byrd said that only applies to the vape [shops], the 1,000 feet is not for the skill games.

Mr. Fletcher clarified yes, it is. It is for both.

Vice Chair Byrd said the skill games are not legal.

Mr. Fletcher said on the map if a blue dot falls in the gray area that means that they were previously identified as a location that had them; they would be prohibited to have them if you approve the ordinance. Then the green [dots], they just become nonconforming.

Vice Chair Byrd said my statement was concerned with what is currently legal and then my mind went "well if the skill games are not currently legal, then they are locations of future problems."

Chair Finnegan said that is why we are hearing this now because the new Virginia legislation goes into effect July 1, 2024.

Mr. Russ said if any. The Governor had amendments and he sent them to the General Assembly who did not accept his amendments, but he has not vetoed it. There may be something in the budget

bill that is supposed to come out in the next week or two. There will likely be something as of July 1, but we are not 100 percent sure what it is.

Chair Finnegan said another way to put it is there are currently legally operating vape shops in the City and there are no legally operating skill games in the City currently.

Mr. Russ said yes.

Chair Finnegan asked if there were any more questions for staff.

Commissioner Washington said I have a few things. I do not smoke, does anyone up here smoke? I understand that there is an issue with children in middle school bringing vapes to school and having access to tobacco products. Here, while I am looking at the map, there really is not enough information for me to say why this is appropriate, and why it is appropriate now. I know in terms of having tobacco [and] vape shops around school areas or daycare centers that makes it inconvenient for parents who smoke to get to their kids as well. Do not get me wrong, people are going to smoke regardless. It is going to make it inconvenient for them to get what they need in terms of an addiction. Is there a larger more specific reason as to why we are looking at this and looking at this now?

Chair Finnegan said specifically the vape shops? The answer to the other one is July 1. Is that a question for staff?

Commissioner Washington said yes, for staff.

Mr. Fletcher said could you rephrase your question? Is the question why are we talking about it right now?

Commissioner Washington said that and why are we talking about this right now? Why is this appropriate? Why are we looking at this now?

Mr. Fletcher said is the question why should they be located 1,000 feet from schools?

Commissioner Washington said sure, lets start there.

Mr. Fletcher said we did not get into the science and psychology of it [in the staff report] but there are numerous articles that you can find that talk about...I hope I speak to this correctly that in generalities what I had seen was the closer a tobacco store is to a school, the higher rate of smoking. Many of the articles also talk about neighborhoods as well. The closer the product is to the neighborhood, the higher rates of smoking. It also has a lot to do with the advertising, the constant seeing of the advertising. In my view, what I interpreted that as being, is that if you are constantly driving past, every day you are going to school and seeing the tobacco signs is that it is a constant this must be normal. This is my interpretation of what I have read. There are numerous articles.

Chair Finnegan said thanks, that does help clarify the why schools. There is one very prominent one that is near...used to be a bank building on the corner of Mount Clinton Pike. That one is very prominent it is near a private school, Eastern Mennonite School, and it is in a very visible and prominent location. I would say similar to...this is not something that this body is regulating right now but adult bookstores.

Mr. Fletcher said the City Manager had communicated with me that he had received a call from a school leader about how close a particular vape shop was and how to prevent it. At the time the answer was you cannot prevent it because it is zoned B-2. It was just a mercantile establishment, and it was permitted by right and there was nothing that could be done. It was either 2022 or 2023 and I was just looking back at some of the articles we have. It is the socioeconomic disparities and vape shop density in proximity to public schools in the United States. There are a lot of articles out there.

Commissioner Washington said thank you for that, but I want to ask you is it prominent because it is near a private school? Because like you said...we know that cigarettes are expensive to folks who smoke cigarettes the most are folks who live or are apart of a specific socioeconomic class. I was just curious in terms of...you answered my question why, and I think it is important for us to think about how important it is for how close they are to public schools. I just do not feel like it was outlined appropriately or well enough here. I do agree with you.

Vice Chair Byrd said living near a vape shop that is very close to an educational facility, it has been interesting how people have reacted to its arrival. Which I find interesting because another one just down the road, technically it is close to a number of others of the same things, and no one really mentions that one because it is beside a grocery store. Brand new people go into the grocery store and buy cigarettes and think what is the difference from going into a grocery store and going into that [vape and tobacco shop]. I am looking at the map and I am just going "if HB 947 goes into effect concerning vape shops then the colored areas of the map will only be this small, it will not get any bigger unless new schools or child daycare centers are made" which is why my first comment was it would put a freeze on where those places are because I am looking at some of these other areas and going "some of them I do not see as really commuted areas and the ones that are colored, except one or two, have a lot of vape shops already there" and so I would be in favor of this because with the ones we already have we have people going "man, it feels like there is a lot." I do not see how that would change anything and with it being frozen in that way unless businesses want to expand into the colored areas existing businesses would just have to be thriving and have no one else to compete with.

Chair Finnegan said just a point of clarification, you had said HB 947, where are you talking about?

Vice Chair Byrd said during the 2024 regular session the General Assembly passed HB 947 that localities could not restrict the location of smoke and vape shops more than 1,000 feet. This is as small as it gets [referring to the proposed ordinance amendment] and if you reduce the feet, the colored areas get bigger. From what I have heard from people is a concern about whether it already exists...

Chair Finnegan said another way to look at this is...I think a lot of people do not know this, and correct me please if I am wrong here, but gas stations are not allowed in the Central Business District, is that correct?

Ms. Dang said they would be allowed by special use permit but not by right.

Chair Finnegan said I just wanted to bring up another example of a business that we do not allow in a certain area typically. There are older gas stations that have been converted into other things or convenience stores or vape shops. We do not want a lot of gas stations downtown. The fact that it is not allowed, except by special use permit, that is not something we need to correct. I just wanted to enter that into the conversation that this is just about skill games and vape shops but there are other businesses that we put regulations around where they are located. Any other thoughts on this?

Vice Chair Byrd said I would like to make a motion to approve the ordinance amendment to define and regulate the location of skill games.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the Zoning Ordinance amendment passed (6-0). The recommendation will move forward to City Council on June 11, 2024.

Vice Chair Byrd said I would like to make a motion to recommend approval of the Zoning Ordinance amendment concerning regulating the location of tobacco, smoke or vape shops as it was written.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the Zoning Ordinance amendment passed (6-0). The recommendation will move forward to City Council on June 11, 2024.