

MEETING MINUTES
PERKINS TOWNSHIP ZONING COMMISSION
MONDAY, JULY 8, 2024 @ 4:00 PM
PERKINS TOWNSHIP SERVICES FACILITY – BIG MEETING ROOM
2610 COLUMBUS AVENUE, SANDUSKY, OH 44870

I. Call to Order.

- a. At 4:00 p.m., Mrs. Cheryl Best-Wilke called the meeting to order.

II. Pledge of Allegiance.

- a. At 4:00 p.m., Mrs. Cheryl Best-Wilke led the room in the pledge of allegiance.

III. Roll Call.

- a. At 4:02 p.m., Mrs. Cheryl Best-Wilke asked for a call from the roll.

b. Mr. Adam Panas conducted said roll call:

i. Commission Members Present:

1. Mrs. Cheryl Best-Wilke – Chair
2. Mrs. Kula Hoty Lynch
3. Mr. Greg Schmid
4. Mr. John Lippus
5. Mr. Les Wilson – Alternate

ii. Commission Members Absent & Excused:

1. Mr. Billy Criscione – Vice Chair

iii. The following staff members were in attendance:

1. Mr. Adam Panas, Planner/Zoning Inspector
2. Mrs. Jessica Gladwell, Administrative Assistant
3. Mr. Mason Davis, Intern

IV. Approval of Meeting Minutes from Monday, June 10, 2024.

- a. Mrs. Best-Wilke stated that the minutes from the previous Zoning Commission meeting, held Monday, June 10, 2024, were updated to correct two errors: (1) Item IV (B) was corrected to reflect that Mr. Lippus seconded the motion rather than Mr. Schmid who was originally attributed and (2) Item XIII (B) was corrected to reflect that Mr. Schmid made the motion and Mr. Wilson seconded the motion.
- b. Mrs. Hoty Lynch asked for clarification about comments made by Mrs. Kristy Burdue in regard to #ZC2024-06 (Item XVI) and whether they were accurate about being “in favor” of the variance; Mr. Panas responded that this was accurate.
- c. Mr. Lippus motioned to approve the minutes; Mrs. Hoty Lynch seconded the

**ZONING COMMISSION
7/08/2024 MEETING MINUTES**

motion. Roll Call: All ayes, motion carried.

V. Commission Motion & Second to Open the Public Working Session – Roll Call Vote.

- a. Mrs. Best-Wilke motioned to open the public working session, Mr. Schmid seconded the motion. Roll Call: All ayes, motion carried.
-

VI. Secretary Reads a Summary of the Topics to be Discussed During the Public Working Session.

- a. Mr. Panas said the working session's purpose was to discuss the results of the research staff conducted about different communities' zoning regulations regarding smoke and vape shops. Mr. Panas stated that this research should inform the Zoning Commission sufficiently so they may finalize their preferred approach as to the drafting of text amendments to the Resolution by staff.

VII. Staff Reviews the Planning & Zoning Department's Staff Report.

- a. Before presenting his research, Mr. Panas summarized the previous public working session, held during the last meeting of the Zoning Commission on Monday, June 10, 2024.
 - i. Summary of 06/10/2024 Public Working Session Discussion:
The Commission determined that it was in the best interest of Perkins Township residents to establish new regulations for smoke and vape shops so that they may coexist in the local economy while respecting the Zoning Resolution's intent and purpose.
 - ii. The direction the Commission wanted to proceed with was two-fold:
 1. Establish a definition of "smoke and vape shops"
 2. Establish it as a conditional use in the "I-1" Light Industrial District and "I-2" Light Industrial District, respectively.
Conditions that are established could help prevent the negative aspects of these developments.
 - iii. The Commission wanted the staff to perform research of the regulations of surrounding and state communities to see what their regulations are and to bring forth a summary of findings for consideration via a second (2nd) working session on Monday, July 8, 2024.
- b. Based on his research, Mr. Panas stated the following points were relevant to the Commission's discussion of their desired approach to the drafting of text amendments by staff:

**ZONING COMMISSION
7/08/2024 MEETING MINUTES**

- i. Tobacco licensing and zoning regulations were the two primary methods municipalities used to control tobacco retailer density within a given area. He noted that the Erie County Health Department was currently the issuing agent of tobacco licenses within the area and added that he was unsure if a township had the ability to carry out this function.
 - ii. Through his research, Mr. Panas found that the closer that tobacco shops are to residential areas, the younger the age is that youths in that area start smoking. Mr. Panas explained that, since it has become common knowledge that (a) vaping is not necessarily “healthier” for you compared to smoking and (b) vape product retailers target the younger population, we can consider these findings generally transferrable and assume that a similar relationship exists between the proximity of vape shops and the age of vaping among youths.
- c. CONCLUSION:
- i. Based on the above summaries, staff recommends that the Zoning Commission consider the following elements of regulatory language in regulating these so-called smoke and vape shops.
 - 1. Establish a definition for “tobacco products” and/or “vape products”.
 - 2. Establish a conditional use for “tobacco retail business establishments” that primarily sell the defined elements.

Possible Conditions:

- Buffer distance between youth-oriented land uses (1,000 feet).
- Shielding/Screening requirement from adjacent residential uses.
- Establish a square footage maximum for operation (e.g., can only operate if occupying less than 5,000 sq. ft.)
- Limit the type of road classification it can be located on.

ii. **Discussion from Commission.**

- a. Members of the Commission raised concerns about the burden of enforcement that would be created if the definition of smoke and vape shops is too granular. Mr. Panas stated that staff agreed and thought that a draft should be written including a vague definition that only references retail uses where the “sole or

ZONING COMMISSION
7/08/2024 MEETING MINUTES

primary” retail is related to smoke and vape shops. Otherwise, we could be setting ourselves up for routine inspections and review of sales receipts.

- b. Mr. Lippus asked for clarification on if the goal of the regulations would be limiting the quantity of stores within Perkins Township overall or just along congested/high-traffic areas such as along State Route 250. Mr. Panas responded that staff was thinking of limiting the quantity of stores throughout the whole township, in part, *by* limiting them to high-traffic areas. Mr. Panas noted that in most of the communities that he researched, smoke and vape shops were mostly allowed/concentrated within high-traffic areas, away from residential neighborhoods.
- c. Regarding the approach for writing the definition, Mrs. Hoty Lynch inquired about the concept of a “percentage threshold” which would identify stores that were making a certain percentage of profit from the sale of smoke and vape products; Mr. Panas responded that this might be logistically challenging to enforce.
- d. Mrs. Best-Wilke asked if the Commission and staff thought there would be a significant increase in stores that mainly sold smoke and vape products. The Commission identified several existing locations and noted that most of these stores were not currently located in “I-1” and “I-2” Light Industrial Districts but rather in commercial zoning districts. The Commission and staff acknowledged that Mr. Panas’ research suggests that future text amendments should instead create a conditional use within the General Commercial District (C-2) district to align with current practices of density control. Mr. Lippus asked Mr. Panas to remind him how the Township handles the existing businesses if these amendments are passed. Mr. Panas stated that noncompliant stores would be issued a “Certificate of Nonconforming Use” by the Zoning Inspector, which allows them to continue to exist as they do today.
- e. The Commission asked if there were current bans or strict regulations within Ohio; Mr. Panas responded that some cities such as Cleveland and Cincinnati have banned the sale of flavored tobacco products within municipal limits, and that such a rule was recently upheld by an Ohio Appeals Court.
- f. Mrs. Best-Wilke asked if commercial businesses were required to pay any other taxes outside of property tax to Perkins Township; Mrs. Hoty Lynch responded that Erie County received revenue from the County Sales Tax and believed that a portion of the revenue trickled down to the Township somehow; Mrs. Best-Wilke asked if these regulations would affect the Township budget; Mr. Panas responded that economic and budgetary considerations were not primary motivators behind his research, but rather the importance of improving the public health of the Township by limiting the quantity of shops and their proximity to “youth-oriented” land uses.

**ZONING COMMISSION
7/08/2024 MEETING MINUTES**

- g. Mr. Panas stated that future text amendments creating a new creating conditional use within Article 17 and conditions did not necessarily require multiple conditions. Rather, staff could propose a conditional use with only 1-2 conditions if desired by the Commission.
- h. Mrs. Hoty Lynch agreed with the sentiment that the definition of smoke and vape shops and the subsequent regulations should be focused on limiting the quantity and restricting the location of the shops.
- i. The Commission identified and discussed the estimated square footage of several smoke and vape shops within the area and how they would or would not meet the potential maximum square footage example identified in the staff report. It appeared that the existing stores would meet these requirements as they are all likely under the 5,000 square foot maximum.
- j. Mr. Wilson raised a concern about the exterior signage of smoke and vape shops, recalling that there were prior concerns with the medical marijuana dispensary (The Forest Dispensary) located at 5020 Milan Road painting the side of their building with a large logo; Mr. Panas said that that matter had been appropriately cited and resolved, also stating that existing regulations within the current Zoning Resolution should address signage issues as well as other concerns like obscured/covered store windows.
- k. Mrs. Best-Wilke asked the committee if they were in agreement that they were interested in limiting the quantity of smoke and vape shops based on population and location (away from schools and other youth-oriented locations); Mrs. Hoty Lynch asked if it would be more prudent to mirror the existing language regarding medical marijuana dispensaries; Mr. Panas supported this idea, citing the (a) absence of issues resulting from those conditions since their effective date, and (b) the permitted zoning district for medical marijuana dispensaries being the same as the proposed permitted zoning district for smoke and vape shops, General Commercial District (C-2), as reasons to believe that mirroring the conditions would achieve an appropriate balancing of landowner's rights to use their land with the need to protect and improve the Township's public health. Mrs. Best-Wilke expressed support for mirroring the language.
- l. Mrs. Best-Wilke asked for clarification on whether the new regulations regarding quantity of stores would affect existing smoke and vape shops; Mr. Panas responded that it would not. He added that this would involve a legal non-compliance policy that would mean that businesses who moved locations or left the township would lose their status and not be replaceable. Effectively, the "cap" for businesses would be limited to three smoke and vape shops within Perkins Township.

**ZONING COMMISSION
7/08/2024 MEETING MINUTES**

iii. Old Business:

- a. No old business was discussed during the meeting.

iv. New / Other Business:

- a. Mrs. Hoty Lynch asked about the possibility of the Commission reviewing existing medical marijuana dispensary regulations within the Zoning Resolution given that new laws passed within the State of Ohio and the interest of the Forest Dispensary wanting to expand to recreational sales; Mr. Panas responded that a public working session could be scheduled if desired; Mrs. Best Wilke asked if the specific sections could be sent to the Commission and if they could schedule a short meeting; Mr. Panas stated that a special meeting could be arranged but advertisement for the community would be necessary. He asked if the Commission would prefer to wait until the next scheduled Zoning Commission meeting; The Commission opted to schedule a public working session to discuss potential regulations at the next scheduled meeting on Monday, August 12, 2024.
- b. Mr. Panas noted that staff is considering beginning research for text amendments to accessory building regulations in residential districts and signage regulations in all districts. Regarding accessory building regulations, Mr. Panas noted that the variance request to add a third (3rd) accessory structure was becoming increasingly common due to swimming pools being considered as “accessory structures” for the purposes of counting the number of structures. Regarding signage regulations, Mr. Panas noted that the temporary signage regulations need to be revised so that he may enforce the Zoning Resolution when needed. Mr. Panas states that the Zoning Resolution currently has one standard, the application for a temporary/portable sign has another, and the fee schedule from the 1/10/2024 Trustees meeting has a third standard. The Commission agreed that these tweaks warranted research and future discussion to inform the approach taken while drafting future text amendments.

v. Commission Motion & Second to adjourn the public meeting – Voice Vote.

- a. With no further business, Mrs. Best-Wilke entertained a motion to adjourn the public meeting. Mrs. Hoty Lynch motioned to adjourn; Mr. Wilson seconded the motion. Roll Call: All ayes, motion carried.

Respectfully Submitted

x Adam Panas

Chair Signature

x Sherry Best-Wilke
8/12/2024