

Planning Commission Meeting Minutes  
April 2, 2019

The Conneaut Planning Commission met for their regular monthly meeting on April 2, 2019 beginning at 6:06 pm. The Pledge of Allegiance was recited. Role was called; in attendance were Ms. Notte, Mr. Zingaro and Mrs. Gaugh and Mrs. Parlongo. Mr. Zingaro asked for a motion to excuse Mr. Sedmak and Mrs. Spencer. Mrs. Parlongo made motion and Mrs. Gaugh second the motion. Roll was called - all approved – motion carries.

**Mr. Zingaro** asked if everyone reviewed the transcripts from March 5, 2019 meeting for O'Reilly's only – Gateway Plaza was not included in the transcript nor was the transcript from the March 13, 2019 meeting - No corrections can be made because it is a legal document. Mrs. Gaugh made motion to approve and Ms. Notte seconded the motion. Roll was called, all approved. Motion carries.

**Old Business**

Mr. Zingaro: We had a request to amend the definition for accessory structures. It was suggested we omit the 1' property line if movable verbiage. We are going to keep the section regarding dog pens.

Mrs. Gaugh: I just wanted to clarify, is this for temporary or accessory structures? Accessory is different from temporary.

Mrs. Brown: You're removing the verbiage that says temporary.

Mrs. Gaugh: I just want to include in the minutes that it says a temporary structure is not to exceed a period of 12 months anyway.

Mr. Zingaro: So just remove that 1' from property line in 1133.01.

Mrs. Gaugh: We discussed putting a size on it. Do we need to do that? When I read the definition, it pretty much gives you sizes and identifies sheds, garages play equipment etc.

Mr. Zingaro: And it shall not occupy more than 30% of the required rear yard.

Mrs. Brown: Paul was saying something about being too small, but a dog kennel is like 5' x 5' or 5' x 10'.

Mr. Zingaro: We need a motion to remove the section regarding the one foot from property line if movable.

Ms. Notte made the motion, seconded by Mrs. Gaugh. All were in favor, motion carried.

Mr. Zingaro: Skip one ahead on old business, we're tabling the one on septic again until the folks can attend the meeting. I'd like to move on to Bed and Breakfast.

Kris Hopkins was present at the meeting to offer the Planning Commission guidance. Kris wanted to know what's happened with the issue from a year ago and what had been achieved.

Mr. Zingaro pointed out the number of signs for houses that have been converted to B&B's, seemingly overnight. He pointed out that there were concerns for the safety of those renting rooms and income the city may or may not be losing. He felt the need to have some control and guidelines.

Mrs. Brown pointed out the need for lodging, citing the people in town working on the gas pipeline and D-Day.

Mr. Zingaro stated that we do not, by any means, want to put anyone out of business.

Mrs. Gaugh cited safety issues, such as smoke detectors and emergency egress.

Mrs. Brown stated concerns of things she had seen in the news where some B&B's were recording occupants and violating privacy. The city would not be responsible if this were to arise in Conneaut.

Ms. Hopkins said there were a number of definitions and levels of regulations. She told the board that you can regulate B & B's differently from what is called short term rental. She wasn't sure if there were boarding houses in Conneaut, but that's when you have 3 or 4 people renting together. She said if we didn't have a definition of what is a family, her recommendation is that you can have up to 4 unrelated people living together. You can't preclude a certain number of unmarried people per a court case in 1992. The distinctions between a short-term rental and a B&B are:

- A true B&B would serve food. If you are renting under 5 rooms, you don't need a commercial kitchen. (Health Regulations)
- B&B's typically have signs in the front yard.
- Because a B&B serves food, they typically employ 1 or 2 other people.

Those characteristics, Kris believes, should be regulated as a conditional use.

Mr. Zingaro: What about ownership?

Ms. Hopkins: That's a preference of what the community would require. In a residential district, it's common to require them to be owner occupied, so that the owner is also the operator of the business. In a business district, it is a permitted use, you may not need it to be owner occupied because it is purely a business being run out of a house, those are some considerations. The idea is even in a residential district it is a form of a commercial use. Short term rentals (Air BB's and Vacation Rentals by owner) it's less than a commercial use because the idea is that you are having somebody staying with you short term and technically should not have an impact on the neighborhood, however it is very difficult to enforce. My recommendation would be if you have a set of regulations and that you can tell people and advertise – Hey we want to enable you to make money, provide this service to the community etc., but here are the rules/guidelines, regulations

you will need to follow then, you will get compliance from all of these people who are doing it for the right reasons. If you have people doing it for the wrong reasons and are going to exploit the opportunity, they are going to do it whether they follow the rules or not. Some people may go a little bit beyond what you think is appropriate if you do not have regulations right now, but if you explain the rules and regulations, most times they will comply. I would suggest similar to the ways Home Occupations tend to be addressed, but I am not sure how you regulate home occupation

Ms. Shubitowski – It requires ZBA approval

Mrs. Brown – Owner and one family member can run the business with a permit, and it is not addressed as a conditional use.

Mr. Zingaro – Give me an example

Ms. Shubitowski – Parma's Pooches

Mrs. Hopkins – Allowing people to run Air B & B's, Vacation Rentals, Home Occupations operating and enforcing on a complaint type basis. To enforce income tax collection, you should require a Business License along with a business permit in their business plan and then however you decide you might want to regulate that. What I passed out tonight, we dealt with this in North Perry just a couple of weeks ago. I gave you their B & B and Short-Term Rental Regulation. The thing with the Short-Term Rentals is according to the Ohio Revised Code (ORC) Short Term Rentals or Transient Lodging is thirty (30) days or less. If you stay in a hotel for more than thirty (30) days, technically you do not owe the bed tax. That is where the thirty (30) day limitation comes in. If someone is staying longer than thirty (30) days you can enforce it with what the boarding allowances are. Again, the kind of things I think are useful are and need to be discussed:

- Does it require owner-occupied
- What's the limitation on the number of guest rooms
- What's the limitation and allowance for parking
  - Bed & Breakfast may need to do additional parking- the rule of thumb from an Air B & B and/or Short-Term Rental that is suppose to operate in a residential neighborhood without being detectable, then you wouldn't want to allow any additional parking. You will want to make sure the regulations say that you can exceed the number of parking spaces that are available on your lot in case there is problem and/or complaint you will be able to keep track of it.

Ms. Notte- For the people that run Air B & B and/or Short Term Rental for maybe one (1) week out of the year versus one operated on a more regular basis is there value in defining the frequency.

Mrs. Hopkins – Yes, some of things worth looking at what we suggested in North Perry are limitations on the number of times you can rent out the space. It is not uncommon to limit to a certain number of days out of the year to try and maintain some sense of residential neighborhood.

Ms. Notte- That speaks to things I have even thought about – maybe renting my house out during D-Day, but I am not going to rent out my house out on a regular basis. I think it's all about do we want to encourage people to offer these in lieu of not having many beds or is it something that we just don't want to encourage and control more (inaudible – multiple conversations)

Mrs. Hopkins – Some of the issues I have heard about and things related to parties and things becoming out of hand with the number of people who are there, so then you will want to have a maximum occupancy and you will want to clearly state no parties. On the other hand the question is: How can you (inaudible – multiple conversations) – right, I could have teenagers at the home throwing a party every weekend as well.

Ms. Notte – I think a lot of that can be controlled in the Air B& B Language.

Mrs. Hopkins – The North Perry example: We listed the things that somebody had to put together in an information packet so that anyone who is renting is well aware of the rules and restrictions of the Air B & B/Short-Term Rental. The key thing is, someone needs to be available 24 hours a day to address issues. That is where I am hearing in some communities it has been hard to address a nuisance concern when the people who are creating the nuisance are gone by the time the next work day begins. In the regulations it would make the homeowner responsible for any nuisance regardless of who is creating the noise/issue, so that would spell that out. Also, deciding signage and the restrictions I talked about and then on the bottom of page 2, number 2, not only do you need a contact person, but you need someone locally who is responsible to go over and take care of any issue.

Mr. Zingaro – Mindy, I like what you said about that one (1) day or two (2) days a year Where you rent out your room, and liking that for D-Day too, where everyone's front yard becomes a parking lot. The fellow down the street from me charges twenty (\$20) bucks a head and he crams ten (10) cars in his front yard rain or shine, so there goes our parking regulation, so you kind of let that go because we know there is no parking down there.

Mrs. Hopkins - and we know it is not going to happen repeatedly every weekend. That is the sort of thing that if you did have regulation for this and you had fifty (50) percent of the home owners renting out space that one weekend and they did not get a Business License – you probably wouldn't spend the time tracking them down for just that one weekend, because it is not worth it.

Ms. Notte – I think that is why part of it needs to be a decision on how far we go with it, are we trying to encourage something or discourage something or are we just trying to make it safe for people that want to elect to do it.

Mr. Zingaro – Are we going to want to see a Lease

Mrs. Hopkins – No, however you will want them to maintain a guest registry. That will be something that helps the City; for example: If you had a limitation on a number of nights that somebody could rent their space (not that their not going to fudge) but, requiring them to maintain a guest registrar and having to show it if ever requested that is helpful in monitoring it in case there are issues. I think what these rules do is give you the ability to better keep track of and monitoring.

Mrs. Gaugh – Asked Ms. Notte in her experience staying at Air B & B's has she ever not wanted to stay at one based on her first impression when she drove up.

Ms. Notte- No, because everything is done through a rating system – everyone with a high rating is on the website – anyone who has a low rating isn't on the site. Most times when you arrive you do not see any one – you will call and let them know you are there and they will give you the code to the lock box to get into the home. You normally call them if you have any issues.

Mrs. Hopkins – One of the things you may want to do is make sure they have liability Insurance to ensure if anyone were to get hurt – there is insurance in place to cover that

Mrs. Gaugh – Will they need to be inspected by the Fire Department – my concern is here with our older stock of homes is Safety.

Mrs. Hopkins – Depending on what your capacity is you could do systematic inspections so you do one in the very beginning when they get there permit and then you could set a regulation for say every two (2) years

Mrs. Brown- Are they paying for the inspections

Mrs. Hopkins – I think you could incorporate that into your Business Permit – that every so many years we require an inspection to renew the business permit – so it will be a renewal fee that would cover the inspection.

Mr. Zingaro- Has the visitor bureaus ever got involved

Mrs. Hopkins – When we were doing the Comprehensive Plan, Stephanie talked about how the State, the Convention Bureaus as a group were trying to work with the State to get Air B & B and Vacation Rental by Owner to collect what ever bed tax there was, and my understanding is from what Stephanie said is that Air B & B is not easy to work with, I don't know where that stands. I know the City of Cleveland and the City of Phoenix have worked something out and the entire state of Kentucky is collecting bed tax, I am not sure where the State of Ohio stands.

Mr. Zingaro- So, what would be our first definition

Mrs. Hopkins- On the N. Perry example – Bed and Breakfast Definition we can tweak to meet your desired regulations but in the example the definitions are the key to what a Bed and Breakfast is.

Mrs. Brown – How is N. Perry getting people to comply

Mrs. Hopkins – They are a very small community – about 800 homes, so it is not hard to regulate and get the word out.

Ms. Notte – Questions about the signage for short-term rental and Bed and Breakfast

Mrs. Hopkins – a Bed and Breakfast is a permitted use for a sign, a short-term rental is not. Basically you are saying to your neighbors you can do this activity as long as your neighbors do not know you are doing it.

Ms. Notte – I think a lot of our short-term rentals have signs, so I think that will be something unique to Conneaut that we will need to tackle. The other question I had in regards to short-term rentals

Ms. Notte – Discussion around “Yurts” and short-term rentals that are not traditional rooms, like an RV in people’s back yards, tree houses, house boats with just basic amenities that are being rented that I believe have signs and controlled through the language in the Air B & B / Short-Term Rentals.

Mrs. Hopkins – I would recommend you go around and take pictures of all that you are aware of and get a sense of who is doing what and then talk through what you believe works and what does not work. I think there is a lot of concern about allowing people to occupy an RV on your site/property.

Mrs. Parlongo – Inquired about regulating little cabins at camp grounds

Ms. Shubitowski – The State regulates camp grounds and are hands off for municipalities and are located in an O-1 – Open Space District.

Mrs. Brown – Asked who would like to go and take pictures of the short-term rentals and B & B’s in town

Ms. Notte – Volunteered to get pictures

Discussion as to where all the B & B’s are located in town and that the board will review the pictures and discuss more about what terms they would like to include at the next meeting. We will put the pictures up on the big screen in the City Manager’s Office/Conference Room.

Mrs. Gaugh – Asked a question about page 2 / Short-Term Rentals Section 1133.03 from the Best Practices Packet - It talks about not making an adverse impact on adjacent properties. Does the community have to discuss what they consider an adverse impact? Is there a general definition for Adverse Impact?

Mrs. Hopkins – What the intent statement is saying: This is why we are regulating them so if there is any issue with somebody who is either coming forward for approval and you decide to say yes or no and again that is based on mostly part of a conditional use but that is one of those things that is a discretionary judgement call that you would then determine does the operation of this bed and breakfast, is it going to have an adverse impact. The idea is that all of the regulations that have been created and that you would adopt are intended to make sure there are no adverse impacts. So, if you remember the conversation about design guidelines and whether you had enough criteria, this is the kind of criteria that you will need to base a determination, if you were regulating them as a conditional use.

Mr. Zingaro- We should consider too, public water and sewer

Mrs. Hopkins – Yes

Mrs. Gaugh – But we have a lot of septic

Mrs. Hopkins – So, right it is the availability of the water. Depending on how you draft the regulation and what you think is allowed, if they are on septic and well, you will want to make sure they have the capacity to handle whatever the occupancy load is. I am not quite sure how you would get evidence of that or how you would measure it.

Mrs. Shubitowski – Could we mandate the Health Department to inspect

General discussion about some cottages that have septic and it empties into the lake and are not connected to anything and are not selling because they need to be brought up to code.

General discussion on what to bring back next meeting and start with definitions and signage

Kris – I think it is really key coming to an agreement and an understanding on what is acceptable – one of the things I thought would be good is to put together a list of questions that you can all come to an agreement on...such as:

- Should there be a limit on the number of night's
- Should there be a requirement of owner-occupied
- Should it be restricted on where it occurs

And armed with your examples of what is going on because that is helpful in order to say this is how somebody is doing it and saying well this is working, this is not working, we don't really like it ... etc....

Mrs. Gaugh – Would it be fair to say we probably wouldn't even look at owner-operated as an only way to go because we don't have that

Mrs. Hopkins – Yes

Ms. Notte – I think if we were to be good stewards of the community and not trying to force change, I think too the signage to me if the whole definition hinders on this that people don't know it is happening, like to me, I am ok with a sign and it indicates that there is clearly something happening, sort of balancing that.

Mrs. Gaugh – I don't blame them for putting a sign because they are advertising. My problem is the safety issue as far as, do they have insurance in case of a fire and do they have emergency exits due to a fire

Mrs. Brown – Those are actual requirements we could stipulate to obtain a business license/permit from the City – and inspected every X amount of years to renew the license/permit

Ms. Notte – Is there any value in talking with anyone from the Tourism Board

Mrs. Hopkins – Yes, I think that makes sense

Mrs. Gaugh – is there anyone we could invite to our next meeting

Mrs. Brown – Would you like me to reach out to Dolly Sherman and see if she could attend your next meeting

Everyone on the board agreed to see if Dolly could attend the next meeting.

Mr. Zingaro – Have we heard anything yet from Truck World

Mrs. Brown – We have not, but you may have Metro Parks for re-zoning and parking. They are re-zoning along the Conneaut Creek to an O-1 – Open Space District and applying for parking on Old Mill Rd and there may be a few other things they bring before you and the Port Authority purchased the old Hagstroms. There are a lot of ideas in that area for tourism.

Mrs. Gaugh – Do you know what the Port Authority is planning on doing with the building

Mrs. Brown- Not exactly, there have been a lot of ideas expressed per the Comprehensive Plan as far as bike trails, walking trails and so on. Hagstroms could possibly become a place to rent bikes, kayaks, canoes, boats, etc.

Mrs. Gaugh – What is that area zoned now

Mrs. Hopkins – R-2

Ms. Notte – and it is close to a B district

Discussion amongst the board about Turkey Creek and access

Mr. Zingaro – We have one more issue for this meeting and that is a request from Mr. Smith changing our meeting to the second Tuesday. We changed it to the first Tuesday per his request last year. Kyle said it was ok if we continue to keep our meeting as is and send him information when we need to.

Mrs. Gaugh – I though the purpose of changing it last year was to have some one here at the meeting.

The board had a discussion and decided that two members were not present a most agreed they would like to have a legal opinion and/or Jim or even a representative from CT Consultants to attend their meetings. The board will re-address at the next meeting.

The board asked for Kris to return to their next meeting and she agreed to try and attend.

Mr. Zingaro – If there is no other business we need to attend to, I will entertain a motion to adjourn

Ms. Note made motion and Mrs. Gaugh second the motion

Meeting Adjourned Time: 7:12 p.m.

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**Joe Zingaro - Chair**

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**Melanie Shubitowski- Clerk**