



Village of South Russell

5205 Chillicothe Road
South Russell, Ohio 44022
440-338-6700

PLANNING COMMISSION MEETING
Record of Proceedings
Public Hearing and Special Planning Commission Meeting
November 9, 2021 at 7:00PM

Members Present: Steve Latkovic, Chairman, James Flaiz, Dennis Galicki, Mayor William Koons, Ph.D., Elisa Budoff

Other Officials: Bridey Matheney, Solicitor; Dave Hocesvar, Building Official; Ruth Griswold, Board Secretary

Visitors: Christian Kalinyak, 447 East Washington, Chagrin Falls 44022; Ryan Scanlon, 5260 Chillicothe Road, South Russell 44022; Alexander (illegible), 1717 East 59, Apt 503, Cleveland 44114; David & Sandy Cameron, 135 Murcott Circle, Chagrin Falls 44022; Ed Gottschalk, 200 Industrial Parkway, Chagrin Falls 44022, Greg Heilman, 5105 Chillicothe Road, South Russell

Mr. Latkovic called the Public Hearing to order at 7:00pm.

Ruth Griswold conducted roll call.

Agenda Item 1: Case #PC 21-10: Mr. Christian Kalinyak of PonyBoys LLC, applicant for the property owned by Morning Star Holdings LLC, is seeking approval for a Conditional Use Permit for a proposed new tenant in an existing restaurant space located at 506 East Washington Street.

Mr. Latkovic asked the applicant to begin the presentation for Pony Boys Restaurant. Mr. Kalinyak introduced himself and his chef, Ryan Scanlon. He said they are proposing a modern Mexican cuisine restaurant to be located in the former Violante's space.

Mr. Flaiz asked Ms. Matheney to explain why this proposal requires a Public Hearing and why they require a Conditional Use Permit. Ms. Matheney said restaurants in the B-1 District are required to obtain a Conditional Use Permit, which requires a Public Hearing. The Public Hearing was scheduled for tonight at the last Planning Commission meeting, and contiguous property owners were notified, and a legal ad was published prior to the

hearing tonight. She said the regular Planning Commission could be conducted after the Public Hearing is closed.

Mr. Latkovic asked the applicants what their proposed hours of operation would be. Mr. Kalinyak said they plan to be open Monday thru Saturday, 11:00am-with the kitchen closing at 10:00pm, and the bar closing before midnight. They plan to be closed on Sundays. Mr. Latkovic asked Mr. Kalinyak to tell the board his plans for seating capacity. Mr. Kalinyak said the site is approximately 1800 square feet, and they are proposing 64 seats on the inside, and plan to open a patio in the spring of 2022, which will seat about 20 people.

Mr. Flaiz clarified with Mr. Hocevar that the proposed patio was not part of the submittal tonight, and that if they add a patio, they will have to appear before the Planning Commission. Mr. Hocevar said that is correct.

Mr. Latkovic asked how many parking spaces would be provided. Mr. Kalinyak said there would be 15 spaces on site, and they have a contract with KMK for 25 additional valet parking spaces behind them. Mayor Koons asked Mr. Hocevar how many parking spaces this restaurant would require. Mr. Hocevar said they must have one parking space for every two seats, and they would be 21 on-site parking spaces short, with the valet contract picking up 25 spaces. Mr. Flaiz said there is nothing in the code regarding valet, and this proposal does not comply with the parking regulations of South Russell. Mr. Latkovic said parking in that area is a problem.

Ms. Budoff asked if the valet contract for Burntwood overlaps with the Pony Boys proposal. Mr. Flaiz said that is a good question, and he referred to copies of minutes he had requested from the Planning Commission's approval of Burntwood in 2010 and 2011. He said Burntwood submitted a valet proposal from the same property owner pledging spaces for their restaurant.

Ed Gottschalk, owner of 200 Industrial Parkway, said KMK does not own any parking spaces, they are tenants of his and that he has spoken to them about this regarding the valet for Burntwood. Mr. Latkovic asked Mr. Gottschalk if KMK had authority to agree to have their lot utilized for valet parking. Mr. Gottschalk said no, as tenants of his building, they do not have the right to do that. He said because he is the owner of the two buildings, people are screaming at him regarding the valet parking situation.

Mr. Gottschalk said if the valet agreements would work, it would not be a problem, but that patrons and employees tend to park in the spaces reserved for valet. He said Burntwood has been a problem. Mr. Flaiz said since the valet plan had been approved by the Planning Commission, he was unaware of there being a problem, and asked Mr. Gottschalk which of his properties were having issues. Mr. Gottschalk said for the most part, everyone tries to get along, but if you drive back there, you will see numerous signs saying No Burntwood Parking. He said those signs are consistently ignored, and he knows that patrons and employees will park as close as they can if they can get away with it, which he understands, but that the Gallery Building, KEI Car Body and Integrative Resources have sometimes been overwhelmed with Burntwood parking. Mr. Gottschalk said he is open to finding a solution, but that valet itself is not the only problem.

Mr. Flaiz said he was on the Planning Commission in 2010 and 2011 when Burntwood was approved, and he felt the Planning Commission made a huge mistake in 2010, which he thought they remedied when Burntwood had to reappear before the board after creating their illegal patio in 2011. He said the Conditional Use permit issued to Burntwood was conditioned upon them having off-site valet parking agreements, but now he has been made aware that KMK is not permitted to enter into valet agreements. Mr. Gottschalk said Burntwood has had different agreements through the years, but now has valet parking in the CrossFit and Snap Fitness fenced area, which he said provides plenty of room. He said he also feels Burntwood has calmed down since their opening and the first couple of years afterward.

Mr. Flaiz said he thinks the proposal before the board tonight is impacted by the current Burntwood parking situation. Ms. Budoff said she would like a better understanding of where valet parking is, and who owns the land that is being utilized.

Mr. Latkovic said he agrees that parking is an issue, and that people are present here tonight regarding this concern. He referred to an overhead view of the area on the large screen and asked the applicants to identify the areas proposed as the parking for Pony Boys Restaurant. Mr. Kalinyak said his restaurant has a valet agreement with KMK at 300 Industrial Parkway for 25 spaces. Mr. Latkovic said Mr. Gottschalk said that is not possible since they are only tenants and not owners of the building. Mr. Gottschalk agreed and said that until 5pm, that parking lot is full, and that ultimately the landlord, not the tenant, controls the parking. Mr. Latkovic said this presents a problem, and asked Mr. Kalinyak if KMK is getting paid or receiving some consideration for the use of that parking lot. Mr. Kalinyak said not that he is aware of. Mr. Latkovic said KMK is agreeing to something that they are not permitted to, and another problem is that Pony Boys would open at 11:00am, when KMK's lot is full anyway. Mr. Flaiz asked if they are agreeing to this out of the goodness of their heart. Mr. Kalinyak said Mr. Scanlon's wife works for KMK.

Mr. Kalinyak said he could contact Peter Carey, who manages the building where Village Martini & Wine Bar is located, because he has also agreed to provide valet parking spaces. Mr. Kalinyak said there is a large parking lot behind the building that has 20-30 spaces.

Mr. Latkovic again referred to the large screen and pointed out potential parking areas for Pony Boys, as well as existing areas utilized by Burntwood and Hunan. He said the applicants need to figure out other options. Mr. Gottschalk said he has had conversations with Mr. Kalinyak and Barry but have not heard from them recently. He went on to say that designating areas for valet is not the problem, but that some employees and the average person who do not want to valet park are causing the issues by parking in other retail businesses.

Mr. Latkovic then asked how the valet traffic pattern would work for Pony Boys. Mr. Flaiz said that is an issue that concerns him, and the reason Burntwood's valet works is because they have ingress and egress points, as well as a turnaround. He said he visited the proposed Pony Boys site earlier to maneuver the parking lot, and once you're parked, there is no opportunity to loop around. He said he and many others enjoy visiting Hunan's, but that it is a nightmare to maneuver in that lot as well, and the Pony Boys site is significantly narrower, and with cars parked on both sides, he feels valet would be impossible.

Mr. Latkovic said he really likes the concept and wants to see this work, but that he is very concerned about the parking situation, and that bringing 30 more cars into the area is significant. Mr. Hocevar said that the Village engineer looked at the plan and indicated that there was enough room to turn around. Mr. Flaiz noted that they would need to valet 21 cars on a weekend night. Discussion followed regarding the practicalities involved with a packed, narrow parking lot with only one driveway, and whether valet service would be able to successfully function. It was determined that although the ability to pull out of the parking lot from the rear is possible, that property behind the building is owned by KEI, not Mr. Violante. Mr. Flaiz said being able to pull through the back of the parking lot could be a potential solution.

Mayor Koons said that the plans drawn up by the architect show a deficit of 19 parking spaces. Mr. Flaiz said that they are actually short by 21, providing for two employee parking spaces. He said that is huge problem with the Village regulations, because in reality they will have 6-8 employees on busy nights. Mr. Flaiz asked Mr. Cameron how many employees Hunan typically employ on a weekend. Mr. Cameron said they have about 14 employees, and they don't even have a bar.

Mr. Kalinyak asked if he could offer his home, which is across the street from the area, for employee parking. After discussion, it was determined to not be a feasible solution since it is a residential property. Mr. Latkovic

asked Mr. Kalinyak if he had spoken to any office building owners across the street regarding valet sites for evening parking. Mr. Gottschalk said it would certainly open up the congested area around the restaurants. After discussion, it was determined that distance, together with valet employees running across Washington at night would be problematic. Mr. Latkovic asked Mr. Gottschalk if the parking area for Cross Fit is filled with cars from Burntwood valet. Mr. Gottschalk said no, not like it had been in past years, and that if all the cars utilized valet, there would be plenty of room. Mr. Latkovic said Pony Boys restaurant would have to count on a lot of valet parking.

Mr. Cameron said he feels it is difficult for the board to understand the parking problem, but as restaurant owners, they live it every day, and for three years the number of people was absolutely crazy. He went on to say, to Mr. Gottschalk's point, that there are four different types of patrons: People who readily utilize valet; People who park in an appropriate spot, People who will park wherever they can, regardless of restrictions, and hope they don't get caught, and People who will park wherever they want and don't care about the rules. He said they had to hire security to police their parking lot for 2-3 nights a week, and it cost them \$8,000 a year. He said if they wanted the security more often, it would be about \$30,000 a year. Mr. Cameron said as far as valet employees go, their goal is to be fast and efficient, so they sprint through his parking lot, almost knocking people over, and then zoom out of Industrial Parkway at 35mph, which is also extremely dangerous.

Mr. Cameron said he is very happy that Mr. Kalinyak is opening his restaurant, and he feels it will enhance the area, but he doesn't want it to adversely impact his business and cost him money to police the area.

Mr. Gottschalk noted that part of the problem is perception, since downtown Chagrin Falls has public parking all over, whereas in South Russell, all the parking lots are private, so people feel they can park wherever they want as long as it's not a handicapped spot. He said there is a fine balance, and it may work most of the time, but when it starts getting overloaded, people get angry. He said no one wants to argue with customers or other business owners, and the valet parking would solve a lot of issues, but the problem is the people who don't use valet, and nobody can control that.

Mr. Flaiz asked Mr. Cameron how many seats Hunan has. Mr. Cameron said they have about 70-75 seats. Ms. Budoff asked if they have valet. Mr. Cameron said they do not need it and Mr. Gottschalk explained that Industrial Parkway is a private road, and all the parking behind them can be utilized for Hunan parking, and they also have an understanding about sharing parking spaces with KEI.

Mr. Cameron said since Pony Boys is having a bar, many times patrons will meet there and one person drives each car, whereas his restaurant is more of a family restaurant, with a number of people per car, and they also do a lot of carry-out business.

Mr. Flaiz asked Mr. Kalinyak how many seats they would be proposing for their future patio. Mr. Kalinyak said they hope to eventually have 20 seats outside. Mr. Flaiz said this site is just too small for all that seating and that they need to have more valet spots than on-site spots. Mr. Flaiz referred to the overhead view of the site, noting that even though Burntwood has ingress, egress, and a staging area for valet, they still occasionally get backed up onto the street. He pointed out the significant difference in the depths of Pony Boys' building vs Hunan's, as well as the width of their lots. He said although Hunan's is the deeper and wider lot, it is still a challenge to maneuver in and out of parking spaces. Mr. Flaiz said the ingress and egress, to him, is the biggest deal breaker.

Mr. Latkovic said the problem is, this area needs a parking garage, although he is not endorsing or suggesting that as a realistic solution. He said there is a lot of restaurant density, and the area wasn't designed for it. He thinks from a lifestyle perspective, the corridor is patronized and enjoyed by residents, and he would like the applicants to brainstorm and find a parking solution. He said with 64 seats, it's a little less seating capacity than

Hunan's, which is 2500 square feet and Pony Boys is 1800 square feet. Mr. Cameron asked how many seats Violante's had prior to closing. It was thought to be about 75.

Mr. Flaiz said he thinks the Pony Boys restaurant will be extremely successful, and looking at it with that lens, along with a bar and a future patio, it could be compared to Panini's, which during busy times, has twice as many people as there are seats.

Mr. Latkovic asked the applicants how concerned they are regarding this issue. Mr. Kalinyak said they are concerned, and they know it's an issue. He said the Fire Marshal, Sean Davis, cut their occupancy down to 50 seats, and he's going with the 64 from the architect, but at the end of the day, Sean denotes what that number is. He also told them they could only have one person in the kitchen, and he will need four.

Mr. Flaiz said if the Fire Marshal rated occupancy for fire safety at 50 people, then that is what it has to be. He said if all the seats are filled, he would be at 64, then you have people standing around the bar and coming in for take-out as well.

Mr. Kalinyak said they're the little guy, and he's not trying to cause a problem, but Burntwood's occupancy is 225. Mr. Gottschalk said Burntwood was a mistake, but no one knew it back then, it looked great on paper, and their own success was the downfall. He said now that it's settled down, it's not so bad. Mr. Cameron said compared to the deluge of parking problems there were for the first few years of them being open, they don't feel it that much anymore.

Mr. Galicki asked about the previous statement that Integrated Manufacturing is out of the picture as far as parking spaces. Mr. Gottschalk said Industrial Parkway is private, and that numerous buildings in the area have access to and easements on the road and help pay for the maintenance. He said at one point Integrated gave up spaces and it became a disaster, with vehicles blocking access and landscape being destroyed. Mr. Galicki said he assumes that the people who are avoiding valet parking, are probably parking there anyway. Mr. Gottschalk said they tend to go to numerous sites in the area.

Mr. Latkovic asked Mr. Kalinyak what would make sense financially if he were to scale back the interior seating. Mr. Kalinyak said it would not make sense to scale it back at all. Mr. Latkovic referred to the seating plan and said it is very tight, and that parking is definitely an issue. He said it sounds like there has to be discussions among the property owners to try and produce viable solutions, using the experiences over the last ten years. He said he thinks some of the problems are a policing matter, and that the Village should help if they can. He said he agrees with Jim, that this restaurant will be a huge success and the seating itself doesn't even account for the future patio, take-out patrons, or people waiting for seating to open up.

Mr. Flaiz said this is a Public Hearing, and addressed Mr. Cameron, as the representative for Hunan. He asked if he understood that plan approval for Pony Boys would require 2/3 of their parking to be off-site via valet and was he in favor or opposed. Mr. Cameron said he was opposed. He said it would be different if it were a breakfast and lunch place, since Hunan opens at 3, because his parking would not be impacted.

Mr. Flaiz asked if anyone else attending the Public Hearing would like to be heard. No one responded.

Mr. Latkovic said since this is a Conditional Use Permit, he doesn't believe the parking regulations are an absolute, but clearly many spots must be off-site, and he doesn't know how you would have a successful valet and have 14-15 parking spaces occupied. Mr. Flaiz read from Section 7.01: *"General Standards: Conditional Uses shall not be approved unless the Commission finds that such uses comply with the following standards: (e) The use shall comply with all applicable provisions of this Code including parking and loading, sign, development and performance regulations and the following supplementary regulations."* Mr. Latkovic clarified the point he was trying to make which was that the Planning Commission can be more restrictive, and

just because parking complies with the designated number of spots, given the way this is playing out, the Planning Commission does not have to approve. He said he really wants the applicants to find a solution because he thinks this restaurant would be good for the Village, and they have the support of the landlord and a neighboring restaurant. He said after the feedback given during this Public Hearing, he can't in good conscience approve this. He said the owners of the restaurant could be the ones most negatively impacted if potential patrons are frustrated with the parking options. Ms. Budoff agreed and said they would not want to get labeled as the restaurant with good food but horrible parking, which can turn people away. She said if they can fix the parking situation, it would greatly help your business.

Mr. Flaiz said he feels the Planning Commission has an obligation to the existing businesses in the area. He said Pony Boys is proposing a large number of seats in a small building with a small parking lot, and it would place an undue burden and have a significant negative impact upon the existing successful businesses, which would not be right.

Mr. Latkovic asked Mr. Kalinyak, aside from the approval process, what his timeline looks like. Mr. Kalinyak said they were hoping to open for business on December 10th. Mr. Latkovic said that does not seem likely.

Mr. Flaiz said he feels this is the wrong space and location for a busy and popular Mexican restaurant with a bar 80+ patrons, and that it would be better suited to a small sushi restaurant that seats 20.

Mr. Latkovic said he doesn't want to say there is no opportunity here, he loves the concept, but sees a difficult situation with obtaining approval. He said he doesn't know how this site will accommodate having about 60 seats as a starting point, in addition to a future patio. He said he would be happy to continue the Public Hearing if the applicants would like to try to find some solutions and come back before the board. He said this evening was an opportunity to hear different perspectives, both from the Planning Commission and the neighboring businesses.

Mr. Flaiz said unless the seating capacity comes in under 40 seats, which he doesn't believe is economically feasible, he would never vote to approve it, and doesn't want to string anybody along. He said this is the wrong space for this restaurant, and it would be unfair to the other businesses to approve it.

Mr. Galicki said he agrees, and he is all in favor of continuing the meeting to allow the applicants to investigate opportunities and options and present before the commission again. He said there are significant questions to be answered regarding the problems highlighted this evening involving ingress and egress, the existing seating plan and the future patio plan which would compound the existing parking problem.

Mr. Latkovic said he feels the proposed seating plan is creating the problem, because there is a misalignment with the density of what the applicants want to do with the restaurant and the available parking. He encouraged the applicants to talk to the people at the meeting tonight, as it sounds like there is a group that is willing to brainstorm together and draw on their past experiences. Mr. Latkovic said he fears that economically, a restaurant such as Jim suggested would never happen, and it's hard to know what to do with this property otherwise. The Village certainly does not want to see the building remain vacant, and he thinks it is in everyone's best interest to find a good use for it. He said he would be happy to spend time brainstorming outside the meeting, as he personally thinks it's worth the time to try to find a solution for this particular spot.

Mayor Koons expressed concern about the Village processes holding up economic development. Mr. Flaiz said the Village has rules that all incoming businesses must abide by.

Mr. Flaiz made a motion to continue the Public Hearing until December 9 at 7:00pm. Mayor Koons seconded. On roll call, motion carried unanimously.

Mr. Flaiz moved to adjourn the Public Hearing. Ms. Budoff seconded.

After a short recess, Mr. Latkovic called the Planning Commission meeting to order at 8:30pm.

Ruth Griswold conducted roll call.

Mr. Latkovic motioned to approve the minutes from the Planning Commission meeting on October 14, 2021. Mr. Galicki seconded. On roll call vote, Steve Latkovic-Yes; James Flaiz-Abstain; Dennis Galicki-Yes; William Koons-Yes; Elisa Budoff-Yes.

Mr. Flaiz, having not been present at the last meeting, asked for clarification on the concern regarding short-term rentals in Lake Louise. Ms. Budoff said it is not just in Lake Louise, but she brought it up because a neighbor had approached her and asked if the Village had any regulations. She said a Google search shows several homes in South Russell advertised as short-term rentals.

Mr. Flaiz referred to Section 4.01(b)(3) of the Zoning Code, where it says *“Not more than one room may be rented by the resident family in a dwelling unit to not more than one person, provided: (a) The exterior character of the dwelling is not changed. (b) The required off-street parking is provided. (c) Such occupancy complies with all other applicable Municipality, County and State law.* He said since the code currently prohibits this activity, this is an enforcement issue, and the Village needs to be enforcing the code. He asked if that had been addressed since the last meeting.

Ms. Budoff said since this is a new issue, other communities were researched to determine how they were addressing the short-term rental business. Mr. Flaiz said renting an entire house on a short-term or a long-term basis is very different than renting out an in-law suite, which essentially turns a house into a commercial enterprise. Ms. Budoff said there are also people renting out bedrooms.

Mr. Latkovic said if someone is doing something that is prohibited by the existing zoning code, that should be enforced by the Village. Mr. Hocevar said this had never been brought to his attention, and in the 30 years he has been here, he has never received any complaints regarding short-term rentals. He said if he had addresses of the homes that may be in violation, he would be glad to send the resident a letter.

Ms. Budoff said, to the best of her knowledge, there have not been any official complaints, she just happens to know that it is going on. Mr. Latkovic said he’s not surprised that there aren’t any complaints, because he doesn’t think Air BnBs in South Russell are being rented for blow-out parties. Ms. Budoff said the one in her neighborhood is very highly rated, but again expressed concern about the ad indicating there was a private path and access to the lake, which isn’t true, and the renters would be going through back yards of residents to get to the lake. Mr. Flaiz said he is surprised their HOA would allow this. Ms. Budoff said their HOA did not know it was going on and does not currently have anything prohibiting short-term rentals. She said they know the Village is talking about it and she thinks they are waiting to see what the Village comes up with.

Mr. Latkovic said he would like to finish addressing short-term rentals and move the Zoning Code Recommendations to the next meeting. Mr. Flaiz asked Ms. Matheny if Council had done anything with the Planning Commission’s changes from the previous meeting. Ms. Matheny said no, because no action was taken, and her recommendation would be for the Planning Commission to rethink the overlay of the Business District and Industrial District. She said it is very complex and believes further discussion is needed. Mr. Flaiz said he has checked off the first five items. Ms. Matheny said a few of the items were clerical and she has proposed

language regarding the finalizing and certification of meeting minutes. She said when the Planning Commission reviews the language, they can take action and make a recommendation to Council.

Mr. Latkovic said he knows at some point they have to devote time to addressing the Zoning Code Recommendations, and asked Ms. Matheney if board members would like to, could they share notes with her before the next meeting. She said they could do that.

Mr. Latkovic then referred to the short-term rental ordinance drafted by Ms. Matheney, based on the discussions during the last meeting on October 14. Ms. Matheney gave an overview of the proposed new Chapter 14, and said she left out anything having to do with inspections of the premises, due to the administrative search warrant aspect.

Discussion followed regarding proposed Section 14.02 Definition of Short-Term Rental. Ms. Matheney crafted this section based on the Planning Commission wanting to stay away from limiting how many rentals were permitted per year. Ms. Matheney said she did not include the Renting of Rooms and Bed and Breakfasts, since they are otherwise provided for in the current code.

Ms. Budoff asked how the Renting of Rooms is different than an Air BnB bedroom. Mr. Latkovic said he thought the Short-Term Rental Ordinance would replace the other section in the code regarding rentals. Ms. Budoff said many people who have extra bedrooms offer them as Air BnBs. Mr. Flaiz said personally, that is what he has a problem with, since it would essentially be using their house to operate a hotel, but he wouldn't have a problem if someone wanted to rent their entire house for a weekend. He said he knows there has not been a problem in the Village yet, but where he works they represent all the townships, and there was a really bad one in Auburn that went into litigation. It was a big colonial located in a very nice neighborhood, and essentially the person was operating a Bed and Breakfast, parking became a problem, people were constantly in and out, and the neighbors were complaining. Mr. Flaiz said he would not, however, want to stop somebody from renting their house. Ms. Budoff said she understands Jim's concerns, but it might be different if the house had an in-law suite with a separate entrance from the main house.

Discussion followed regarding the current Zoning Code sections 2.01(103) and 4.01(b)(3).

Mr. Latkovic said whatever is decided, he strongly encourages consolidation of the codes, otherwise it will be really confusing. He said short-term rentals as it relates to Air BnBs should include having a rented room. A Bed and Breakfast should be addressed differently because it includes the cooking of food. Ms. Budoff said she thinks limiting the number of occupants per room to two people is more realistic.

Mr. Latkovic clarified that the current Zoning Code does not allow anything other than renting a single room to a single person. He asked Mr. Hocevar if he has ever come across this situation Mr. Hocevar said no, he has not. Mr. Flaiz said the code was designed to prohibit anyone from renting multiple rooms in their home, and essentially running a hotel.

Mr. Latkovic directed the discussion to what they want to regulate and what they don't want to regulate. He said as a starting point, if someone leases their house long term, they do not want to regulate that. If someone leases their house for 31 days, there is nothing in the Zoning Code that addresses that. Mr. Latkovic suggested, under 14.02, amending the draft of the ordinance to read "...less than a calendar month.." instead of "...less than thirty (30) consecutive days.." He said he wants to avoid getting too technical, but he wants the zoning to be consistent with their expectations. The board members agreed.

Mr. Latkovic then asked the board if members wanted to allow someone to rent out less than their entire home. Mr. Flaiz said he thinks the Ordinance regarding Renting of Rooms should remain, and still permit the renting of only one room but changed to allow two people. Mr. Latkovic said he thinks the Rented Room Section of the

code should become part of Chapter 14. Discussion followed among board members how to best structure the ordinance. Mr. Flaiz suggested it should indicate that no more than one rental agreement can be in place at any given time.

Mr. Flaiz asked when the Village allowed the renting of in-law suites, which basically turns the home into a duplex. Mr. Hocevar said when a separate dwelling unit is attached to the house, it should be the same family residing in the in-law suite, but it would be difficult to police if it was being rented out. Mr. Flaiz cautioned against allowing the renting out of part of a house, essentially anyone with an in-law suite now has a duplex that could be rented out to many different people. He said he would not want that in his neighborhood. Ms. Budoff said she thinks the HOAs are waiting for the Village to regulate it before they decide how to restrict it. Ms. Matheney said the HOAs are separate, and they can regulate it without the Village doing so. Mr. Flaiz said his HOA prohibits rentals.

Mr. Latkovic said at the previous meeting, it was decided to allow people to benefit from the use of their home, although there is some risk involved. He said some investors purchase homes for short-term rental use, but the way the ordinance is crafted, it is quite restrictive, and nuisances would be addressed quickly. Mr. Latkovic said people may be aware of it happening, but as yet, this has not been an issue in the Village. Ms. Budoff said the one near her has been going on for years and she was not aware of it until the neighbors asked her about any Village restrictions. Mr. Latkovic said there has been no official vote on any of this, nor has there been any explicit consensus that this should happen, and if Mr. Flaiz thinks this should be tabled, that would be fine. Mr. Flaiz said he is bothered by the partial renting of a house, and he doesn't mind the Air BnB rentals if it's for the whole house. He said his concerns are property owners of single-family homes who have, or will build, an in-law suite allowing them to run a hotel-like business. He said duplexes are not permitted in any subdivision in South Russell but having an in-law suite would be a way around that. He said he feels the Short-Term Rental Ordinance should not allow partial rentals.

Mr. Galicki noted that the situation Mr. Flaiz described would preclude the use going on in Ms. Budoff's neighborhood, since it has a kitchenette. Mr. Latkovic and Ms. Budoff both said they did not have a problem with the in-law suite being used as a rental. Mr. Latkovic said he appreciates the different perspective that Mr. Flaiz brings, but he thinks a long-term rental would be a problem in an in-law suite, not a short-term rental.

Mr. Latkovic asked Ms. Matheney what part of the zoning code restricts a person from renting out their in-law suite. Ms. Matheney said in a residential district, only certain uses are permitted, and a commercial use is not a permitted use. Mr. Latkovic asked how that differs from renting out the entire house on a long term lease, or renting out the in-law suite on a long-term lease, since they are both commercial uses. Mr. Flaiz said renting an entire house is a residential use and renting out part of a house is a commercial use. Mr. Hocevar said there are a few in-law suites in South Russell, but they all have one gas meter and one electrical meter, and he has had no requests to add additional meters.

Ms. Budoff read from her neighbor's Air BnB advertisement, indicating that long-term stays of 28 days or more are allowed. Discussion followed regarding the difference between an in-law suite, a duplex and renting of individual rooms.

Mr. Latkovic said he feels the general consensus is to allow someone to rent their home for less than a calendar month, and the secondary question is allowing the ability for property owners to offer less than their entire home on a short-term rental basis. He said the Village Zoning Code already prohibits the long-term rental of a calendar month or more for less than an entire house, since that becomes a commercial use. Mr. Flaiz noted that under Rented Rooms in the Zoning Code, it is also prohibited to rent out more than one room to one person. Ms.

Matheney said the property renting out an in-law suite is violating the code because it is a prohibited use. Ms. Budoff said anyone operating an Air BnB in South Russell is violating the code.

Mr. Galicki asked Ms. Matheney if running a daycare center out of a residential home would be considered a commercial use. Ms. Matheney said it depends, it could be a home occupation. He said he brought it up after hearing the emphasis on commercial use regarding renting rooms.

Mr. Flaiz used Kensington as an example and asked Mr. Galicki and Mayor Koons how they would feel if the owner of a house with an in-law suite chose to use it as a short-term rental. As a result, there are different people there every weekend, carrying in baggage, a lot of coming and going, parking on the street, etc., from May through September. Mr. Latkovic said to him, that is no different than renting a whole house. Ms. Budoff said she would rather have an in-law suite rented out than the entire house, to limit people from using the dwelling for large house parties. Ms. Budoff said her main concern is where the people go once they are in the neighborhood. Mr. Galicki recalled Ms. Budoff's concern regarding strangers in the neighborhood using the facilities and the safety of the children. Ms. Budoff said the HOA has to address that as well.

Discussion followed regarding HOAs in the Village and their rules. Mr. Flaiz said HOAs are supposed to add an extra level of protection. Ms. Budoff said there are many neighborhoods that do not have an HOA. Mr. Flaiz agreed, and said it is their job to protect the quality of life for all the residents in the Village, regardless of what HOAs are doing. Ms. Budoff said she is totally fine with allowing short-term rentals but believes there should be some definitions.

Mr. Flaiz said he is aware of the discussion from the last meeting when he was not present, and that there seems to be a consensus, but he thinks the activity that comes with short-term rentals could be disruptive to neighborhoods. Mr. Latkovic said that sounds like an argument to prohibit them altogether. Mr. Flaiz said that may be a solution, and this is not Ohio City, and he doesn't expect transient people in and out of a house in the Village neighborhoods. Mr. Flaiz asked Ms. Matheney if Chagrin Falls completely banned short-term rentals. Ms. Matheney said they tried to do so, but they are not strong on regulations, and are looking at amending their regulations.

Mr. Latkovic said he understands the concerns surrounding this, and those concerns are an excellent reason for the Village to adopt regulations that allow people, in a very confined way, to have short-term rentals. He said if someone wants to do this, they're going to do it regardless, and if the Village doesn't have any regulations to enforce, it becomes difficult. The Village should also find a way to inform residents that short-term rentals are permitted under strict guidelines. He said he feels if it's banned altogether, people will do it anyway, but if there is an ordinance, the rules can be enforced.

Mr. Flaiz said perhaps they should restrict property owners from renting their whole house on a short-term basis, because having the owner on site could certainly limit nuisance situations. Mr. Latkovic said the requirement of having a property representative within 5 miles of the rental allows for immediate response to problems. Ms. Budoff said personally she feels short-term rentals for the entire house should not be allowed, as they are more likely to become a party house. She said requiring registration with the Village would help both the property owner and the tenant.

Mr. Flaiz said he agrees with Mr. Latkovic's statement about short-term rentals occurring regardless of legislation and that perhaps it should be regulated. Mayor Koons said he thinks it is a solution to a problem the Village doesn't have, and that there is one person renting her in-law suite occasionally and has been doing it for years. Ms. Budoff said legislation would make the activity legal, and that there are a few more in the Village. Mr. Flaiz said once the Village puts their stamp of approval on it, it changes the dynamics, and that there is a lot

of merit to Mayor Koons' statement. Mr. Flaiz said what she is doing is illegal under the current code, and that a registered complaint would result in enforcement.

Mr. Hocevar said advising the residents and HOAs through the newsletter and the website would bring awareness of the current regulations, and that would make a difference. He said most people may not realize that this activity is against Village regulations.

Mr. Latkovic said he agrees that the Village doesn't have a problem currently, but that they also don't want the problem in the future. The issue was brought up and the solicitor spent time drafting the legislation. He said he thinks it will be some kind of problem, sooner or later, and as a Planning Commission, they should be proactive, and that establishing guidelines and expectations will also be helpful to HOAs. He went on to say that he thinks the legislation is fairly restrictive compared to other communities.

Mayor Koons said if the question were asked of the residents through the Village newsletter, he feels most people would not want to allow short-term rentals. Mr. Flaiz said that would be a good idea and getting the feedback would be valuable. Ms. Matheney said the wording would be important when posing the question. Discussion followed regarding the phrasing regarding short-term rentals for the next newsletter.

There being no further business, Mr. Latkovic adjourned the meeting at 9:30pm.



James Flaiz, Acting Chairman



Ruth Griswold, Board Secretary

12-10-2021
Date

12-10-2021
Date