

**PLANNING COMMISSION
CITY OF WILLOUGHBY
SEPTEMBER 25, 2025
REGULAR MEETING
MINUTES**

PRESENT: K. Kary; Ben Capelle; S. Norris, Chairman

ABSENT: Tim Lannon, City Engineer; Vicki Grinstead, Secretary; M. Wildermuth;
J. Cook

OTHERS: Mike Lucas, Law Director; Darryl Keller, Chief Bldg. & Zoning Official;
Maria Tomaselli

Chairman Norris called the regular in-person meeting to order at 7:09 p.m.

MINUTES

Public Hearing Meeting Minutes

August 28, 2025

Mr. Capelle moved to approve the Planning Commission Public Hearing Meeting Minutes for August 28, 2025 as submitted and Mr. Kary seconded.

ROLL CALL: Yeas: B. Capelle; K. Kary; S. Norris, Chairman
 Absent: M. Wildermuth; J. Cook
 Nays: None

Motion Carried: APPROVED

Regular Meeting Minutes

August 28, 2025

Mr. Capelle moved to approve the Planning Commission Regular Meeting Minutes for August 28, 2025 as submitted and Mr. Kary seconded.

ROLL CALL: Yeas: K. Kary; B. Capelle; S. Norris, Chairman
 Absent: M. Wildermuth; J. Cook
 Nays: None

Motion Carried: APPROVED

OLD BUSINESS

Ohio Paving & Construction Co. Inc.
38332 Airport Pkwy.
(Rep.- Michael Princic, Ohio Paving & Construction)

**Conditional Use Permit to store
construction equipment**

Mr. Kary moved to untable the Conditional Use Permit to store construction equipment Ohio Paving & Construction Co., Inc. for a Conditional Use Permit to store construction equipment and Mr. Capelle seconded.

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ROLL CALL: Yeas: B. Capelle; K. Kary; S. Norris, Chairman
 Absent: M. Wildermuth; J. Cook
 Nays: None

Motion Carried: UNTABLED

Mr. Capelle moved to permanently table the Conditional Use Permit for Ohio Paving & Construction Co., Inc. for a Conditional Use Permit to store construction equipment and Mr. Kary seconded.

ROLL CALL: Yeas: K. Kary; B. Capelle; S. Norris, Chairman
 Absent: M. Wildermuth; J. Cook
 Nays: None

Motion Carried: PERMANENTLY TABLED

This item remains tabled.

Ohio Paving & Construction Co. Inc.
38332 Airport Pkwy.
(Rep.- Michael Princic, Ohio Paving & Construction)

Development Plan/EAS#16-7-25

NEW BUSINESS

Planning Commission
(Rep.- Mike Lucas, Law Dept.)

**Text Amendment
C.O. 1103.03
Definitions of General Terms
Hosting Platform
Short Term Rental
Transient Guest**

**Text Amendment
C.O. 1131.03
Schedule of Permitted Uses
Short Term Rental**

**Text Amendment
C.O. 1141.03
Schedule of Permitted Uses
Short Term Rental**

**Text Amendment
C.O. 1155.04
Use-Specific Regulations
Short Term Rental**

Mr. Lucas, Esq. is representing the text amendments to C.O. 1103.03, C.O. 1141.03, and C.O. 1155.04. The city's prior position was short term rentals were not allowed in the city and some have gone before the Board of Zoning Appeals and have all been denied. The Ohio General Assembly is revisiting short term rentals in terms of state wide regulations. If these regulations pass, the state will have preempted, to a large extent, the regulations prohibition of short term rentals for local and municipal governments. There were briefs filed by the Ohio Municipal League in opposition to the General Assembly. If a city already has regulations in place, that will supersede any regulations put forth by the Ohio General Assembly. This is why the city is working to one, define what short term rentals are. Secondly, to define where they are permitted within the zoning code, and at this time it is all the residential districts, Downtown Business District, and the Lakeshore Gateway District. The last part of the component is under Chapter 1155 where there is Conditional Use Permit (CUP) criteria for specific uses and is for your consideration. He said once Planning Commission approves this it will be presented to City Council for a public hearing and approval. This language is what he felt was appropriate but with the full understanding that the Planning Commission's consideration/recommendations given will be weighed and included to City Council.

Chairman Norris said he thinks most of the language makes sense. He asked why the Lakeshore Gateway and Downtown Business Districts were included. Mr. Lucas said it was at the request of the administration. Mr. Lucas said Downtown Business will follow the same rules as residential. These CUPs are not permitted by right and the Planning Commission has the final say as to if these will be permitted. If you look at the criteria there is a lot of discretion on the part of the Planning Commission.

Chairman Norris said there are only three members present this evening and Mr. Lucas needs all three votes to have this recommended to City Council. Mr. Lucas wished to proceed.

Chairman Norris's concern with those two districts is a storefront being converted to an Air BnB and Mr. Lucas said it could happen but they must follow all the regulations but with the use component, it can happen.

Chairman Norris asked if they could change the wording on 1155.04(a)(2) from just application to a new short term rental application and approval of that Conditional Use Permit. Mr. Lucas said yes and the reason for this term is because there are large entities that are purchasing smaller short term rentals and the city would like to be aware of the change of ownership. They want to monitor some of the other criteria within that particular provision. The commission will have the final issuance with the Conditional Use Permit.

Mr. Lucas said there has been some discussion about implementing an excise or short term rental tax which is similar to a bed and breakfast or hotel etc. It is not in this particular ordinance, even though it was brought forth for drafting purposes, because it does not belong in the Planning and Zoning commission text. He believes it will go under Chapter 193 of the Codified Ordinances under hotel/motel excise.

Chairman Norris is concern with business buildings being turned in to Air BnBs. Mr. Lucas said there are limitations in terms of occupancy, number of bedrooms etc. The city would like their own regulations instead of

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the state imposing their will on our community. He said under 1155.04(a)(8) this provision gives the commission authority if there are issues with a short term rental to revoke and/or suspend a CUP. Mr. Kary said his concern under #11 of this ordinance says an owner can be shut down for 6 months or an entire season and feels this may be too harsh. The second time it's a year and the third time it is forever. Mr. Lucas said many other communities have adopted the same or similar regulations for violations. Mr. Capelle agrees with Mr. Kary that 6 months may be steep because the landlord can be following the rules and they have one tenant that does not.

Chairman Norris said if the owner receives a notice of violation then does he go through the appeals process with the Board of Zoning Appeals or Planning Commission. Mr. Keller said on 1155.04(8) it says the Planning Commission may suspend and/or revoke a CUP... so it seems it will be up to the Planning Commission. He said there is also a process of appeal through the Board of Zoning Appeals. Mr. Lucas said this would be an appeal where they are saying the basis for the termination we are challenging on appeal is six months and present their evidence to that board. Mr. Kary said could they come to Planning Commission instead of BZA. Mr. Lucas said no, Planning Commission cannot authorize an appeal but there could be some language included that the imposition of the violation(s) set forth in paragraph #11 are subject, upon request of the holder of the CUP, could come back before the commission, independent of the Board of Zoning Appeals. Mr. Lucas said he could add #12 stating the holder of the CUP can come back before Planning Commission in "x" number of days for a public hearing for the revocation or violation of the criteria of a CUP. It would be the CUP holder's burden to prove to the Planning Commission the violation or revocation is not warranted. After much discussion it was decided that the first violation or revocation would be to reduce or eliminate any amount of time the CUP is suspended for and would require a public hearing. The second one is the same process but if you are unsuccessful there will be a 6 month suspension. The third one is the same process but if you are unsuccessful there will be a 1 year suspension. The fourth violation will be the permanent termination of the CUP and the rental host will be prohibited from reapplying for a new permit at any time in the future within the City.

Mr. Capelle would like suggestions for conditions to be set forth, not necessarily in the ordinances, but from the administration or council on what may be the challenges the commission could face on the CUP itself (e.g.- no live music permitted etc.). A standardized checklist of documents that a short term rental host can follow. Mr. Lucas said there is a pretty detailed list under 1155.04(8)A-D which are standard items for short term rentals. Chairman Norris said the applicants CUP would be subject to C.O. 1155.04(ww). Mr. Lucas said there is always an amendment process to add things to these ordinances as they are brought to the forefront.

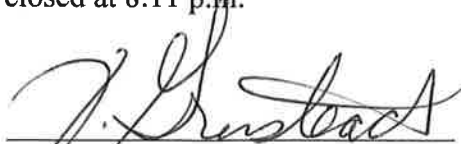
Mr. Capelle moved to approve text amendment changes to C.O. 1103.03 Definitions of General Terms- Hosting Platform Short Term Rental Transient Guest, C.O. 1103.03 Schedule of Permitted Uses- Short Term Rental, C.O. 1141.03 Schedule of Permitted Uses- Short Term Rental and C.O. 1155.04 Use-Specific Regulations- Short Term Rental subject to the additional modifications/changes that were presented, discussed, and approved by the Planning Commission and Mr. Kary seconded.

ROLL CALL: Yeas: B. Capelle; K. Kary; S. Norris, Chairman
 Absent: M. Wildermuth; J. Cook
 Nays: None

Motion Carried: APPROVED

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There being no further business the regular meeting closed at 8:11 p.m.


Steve Norris, Chairman
Vicki Grinstead, Secretary