CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
December 8, 2025

Roll Call

The meeting was called to order by Chairperson Denk at 7:04 p.m. Present were Commission members Jason Bridges, Richard DeMarco, Lita Laven, Frank Lyon, and Michael Denk.

Also present were Assistant Law Director Mark Marong and City Engineer Doug Courtney.

Minutes of the November 10, 2025 Work Session
Richard DeMarco moved to approve the Minutes, with the second by Jason Bridges. Upon roll call vote, the motion passed 5-0 (Ayes – Bridges, DeMarco, Laven, Lyon, and Denk; Nays: None; Abstain: None)

Minutes of the November 10, 2025 Meeting
Frank Lyon moved to approve the Minutes, with the second by Richard DeMarco. Upon roll call vote, the motion passed 5-0 (Ayes – Bridges, DeMarco, Laven, Lyon, and Denk; Nays: None; Abstain: None)

Public Session

Public Requests

1. 9213 Chillicothe Road – Loustown Preliminary Development Plan

   Mr. Denk asked if there were any public comments. There were none.

   Commission Member Lita Laven moved to table the matter for a review of Loustown Preliminary Development Plan for 9213 Chillicothe Road until a preliminary development plan is submitted to Doug Courtney for review. Frank Lyon seconded the motion. Upon roll call vote, the motion passed 5-0 (Ayes – Bridges, DeMarco, Laven, Lyon, and Denk; Nays – None).

Tabled Request

1. MJ Builders Preliminary/Final Development Plan

   Mr. Denk noted that this item will remain tabled. He confirmed with Mr. Courtney that he is awaiting submittal of the preliminary/final development plan.

2. 9213 Chillicothe Road Application for Conditional Use Permit *(HTC-1275.04(a))*
   Mr. Denk noted that this item will remain tabled. He confirmed with Mr. Courtney that he is awaiting submittal of the preliminary development plan.

Public Comments on Items Not on the Agenda
Bruce Carter, 9559 Chillicothe Road, inquired about the current zoning at 9213 Chillicothe Road.

Rich Hozian, 9219 Chillicothe Road, stated he lives adjacent to the property, expressed concerns about the impact of the proposed development. He described problems with the nearby party center, including cars driving on his property and concerns about the narrow buffer zone between properties. Mr. Hozian shared his concern that the development would create more traffic issues and noise problems, especially with the planned road being close to his property.

The Commission thanked Mr. Hozian for his input and explained they were waiting on the preliminary development plan before further discussion could take place.

Work Session

Communications and Bills

1. Council Meeting Minutes November 5th and 17th 2025
2. BZA Meeting Minutes October 13, 2025
3. Zoning Permits Report – November 1, 2025 – November 30, 2025

Old Business

Short Term Rental Discussion/Draft Legislation – Chapter 1267 Short Term Rentals

Assistant Law Director Mark Marong presented a draft of a new Chapter 1267 regarding Short Term Rentals. He explained that based on Council's direction, they were working to regulate rather than prohibit short-term rentals after Council did not pass the Commission's previous recommendation for prohibition.

The draft chapter presented included several key components:

- License requirements with application procedures
- Conditional Use Permit process through Planning and Zoning
- Operating standards for occupancy, parking, noise, and trash
- Safety requirements
- Enforcement provisions with a "three strikes" approach

Several issues were discussed by the Commission:

- Maximum Occupancy: The Commission identified an inconsistency in the draft between sections regarding maximum occupancy. They agreed it should be 2 occupants per bedroom plus 2 additional occupants (not 3 as mistakenly written in one section).
- Administrative vs. Conditional Use Process: Commissioner Bridges suggested that permits could be overseen administratively rather than requiring a conditional use process each year, particularly after the first year of operation with no issues. The Law Director indicated he could prepare an alternative version with an administrative approach.
- Fee Structure: The Commission discussed appropriate fees, comparing the conditional use permit fee ($300) versus a potential registration fee. Jason Bridges suggested increasing the registration fee from $20 to $100 if a conditional use permit was not required.
- Enforcement and Fines: The Commission discussed violations and fine structures, with Commissioner Bridges suggesting increased penalties: warning for first violation, $250 for second violation, $500 for third violation, and $1,000 with license revocation for

fourth violation. They also discussed the need to clearly define what constitutes a violation.

- Inspections: The Commission agreed that some form of safety inspection would be appropriate, particularly for fire safety concerns.

Patrick Cloonan, 8269 Emerald Glen Court, owner of a short-term rental at 11030 Chillicothe Road, addressed the Commission. He expressed concerns about over-regulation, noting:

- There have been no reported problems with short-term rentals in Kirtland
- Short-term rentals are already regulated by market forces and review systems on platforms like Airbnb
- Safety concerns are addressed through the rental platforms' review systems
- Taxes are already collected by the platforms in many cases
- There are existing laws covering issues like noise and parking

The Law Director indicated he would collaborate with Commissioner Bridges to modify the draft based on the discussion and present a revised version at the January meeting, with the possibility of scheduling a public hearing in February.

New Business

No new business was discussed.

Next Meeting

The next meeting was scheduled for January 12, 2026. Noting that this meeting is preceded by the Joint Meeting of Council and Planning & Zoning which immediately follows the Council Meeting which begins at 6:00 p.m.

Adjournment

There was no further business before the Commission, and Frank Lyon moved to adjourn Jason Bridges provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 8:18 p.m.

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CHAIRPERSON

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SECRETARY