

The North Royalton Planning Commission held a **Regular Meeting** at the City Hall Council Chambers, 13834 Ridge Road, on **Wednesday, March 7, 2012**. The meeting was called to order by Chairman Don Willey at 7:05 pm.

Present: Chairman Don Willey, Mayor Stefanik, Tim Miller, Cheryl Hannan,  
Vince D'Agostino, City Engineer Mark Schmitzer,  
Law Director Tom Kelly, Secretary Julie Broestl.

Don Willey: Okay. Being 7:05 we will begin the North Royalton Planning Commission meeting. Please stand for the Pledge of Allegiance.

The Pledge was recited by all.

Purple Skies Farm/David & Visar Duane, 18802 State Road, RR Zoned, PPN: 486-14-007 and 008.  
**Site Plan Approval for a Conditional Use Permit for a Bed and Breakfast and Accessory Structures in Rural Residential District.**

Tom Kelly: Mr. Chairman.

Don Willey: Mr. Kelly.

Tom Kelly: Before we came out here tonight to the Council Chambers, I had an occasion to speak with the applicant. I was informed that my reference to an application for conditional use permit for plant husbandry is not well taken. Which is to say that it is not part of their application, and as Mrs. Broestl just read to us, was not part of the notice. So, we are likely going to have to strike entirely paragraphs two, three, four, five, six. Two thru six.

Don Willey: On the pass out?

Tom Kelly: Yes sir. So that limits the conversation this evening to only the questions presented by the conditional use permit notice relative to a bed and breakfast facility. Thank you.

Don Willey: Mr. Kelly, will this in any way impede their move forward with their application?

Tom Kelly: No. Their application was for a bed and breakfast and conditional use permit to operate a bed and breakfast. They have already received site plan approval and BZA variances.

Don Willey: Thank you. Gentlemen, who gets to talk tonight? Item six, the applicant, or its successors, shall be permitted to operate a bed and breakfast facility on the property limited to four bedroom units in addition to the single family structure as previously outlined in the site plan approval. Is that okay?

Eric Newland: Is this paragraph seven? About the bed and breakfast. Correct sir.

Don Willey: Paragraph eight, the bed and breakfast operation shall allow for customers to lease a room on a minimum of one full overnight basis, no hourly rental is permitted, and a maximum of \_\_\_\_ consecutive overnights, no permanent or semi-permanent residential status is permitted.

Tom Kelly: Mr. Chairman, may we have the applicant or representative at least approach the microphone and identify themselves for the record so that we can have that recorded for Mrs. Broestl's purposes.

David Duane and Eric Newland stepped up to the microphone.

Eric Newland: My name is Eric Newland, I'm the architect representing Mr. Duane and Purple Skies Farm. I live at 5252 Hickory Drive in Lyndhurst, Ohio.

David Duane: My name is David Duane, 4980 Corkwood Drive, North Royalton. I am the owner of Purple Skies Farm.

Don Willey: Issue eight. It is asking for what is a blank here and states one full night and a maximum of X consecutive nights but no permanent or semi-permanent residential status is permitted. Do you have a number that you would put in there?

David Duane: I would like to ask the question of what does it mean by permanent or semi-permanent residential status?

Don Willey: I would assume that it means someone that is renting on a permanent basis, month to month, year to year. Is that correct Mr. Kelly?

Tom Kelly: That is a fair assumption sir. The theory is that a bed and breakfast is, we all have a common understanding of what we mean by bed and breakfast, and it doesn't involve people residing for weeks or months at a time. At least that has not been my experience and I don't know that the Planning Commission or City Council find that a desirable experience. I don't know if the applicant has that intent, but it is one of those things that needs to be specified so that we can have some perimeters within which to give recognition to the manner in which the operation would be conducted.

Don Willey: So, if I were to go in there on a Friday night and was just overly enthralled with the atmosphere are we suggesting that the owner limit my visit if I decided to stay for thirty days, which could happen?

Tom Kelly: It's up to the Planning Commission. I just don't see somebody permanently residing there and I say semi-permanently, it was a choice of words. If you want to strike that and call it permanently fine. The question is what is the nature of the ability of any visitor to stay and make that a place of residence beyond simply a short visit to experience the surroundings.

David Duane: So, what should happen if I have a family member who comes from out of town and they want to stay thirty-days, I couldn't rent them a room then?

Tom Kelly: It's not up to me sir, it is up to the Planning Commission.

David Duane: I think you are defining what it is, or trying to put definition around it, and I don't think it has been thought through all the way.

Tom Kelly: That is why we are here tonight, to have it thought through and to put it down on paper.

Mayor Stefanik: Mr. Chairman.

Don Willey: Mr. Stefanik.

Mayor Stefanik: To the applicant, are you looking for thirty days?

David Duane: You know I just received this, as you did, just fifteen minutes ago. I haven't had any chance to discuss this or review this with anyone. To me it would be like picking a number out of the sky. It is very difficult to respond in an appropriate manner

Mayor Stefanik: What we are trying to do is protect the city also. In case the business would get bad and you would decide that it might be easier to just rent this to somebody permanently, that is not the intent as we understand it. I'm sure that is not what you are presenting to us, but who knows what would happen five or ten years from now. We are just trying to protect the City. It is suppose to be a bed and breakfast, doesn't turn into a rental apartment. This is the first time we see it also but it looks like a common sense item to me. If you need more time, you could give the rest of your presentation, and we could table it and you could think about this for a meeting.

Cheryl Hannan: I'm wondering if maybe we could resolve this issue to both sides. What I think our Law Director is saying is that it shouldn't be permanent. If you had a person who came and stayed for thirty-days, that would not be their permanent residence. You would be renting to them for thirty-days.

David Duane: I understand that.

Cheryl Hannan: So, maybe if we don't quite have a maximum and put number down but more emphasis on not a permanent residence.

Don Willey: So, we could modify this by saying that customers to lease a room on a minimum of one full night, no hourly, right.

David Duane: I have no problem with that and that is what intent is.

Don Willey: You know what the inference is with hourly rental? Oh, we have high schools students here, okay.

Laughter

Don Willey: And then just take maximum consecutive nights, is that what you are stating Cheryl

Cheryl Hannan: Right.

Don Willey: Okay.

David Duane: Then leaving the permanent and semi-permanent residential status in place?

Don Willey: Yes. For instance if someone wanted to rent it every weekend, would that be semi-permanent if they work in Toledo and they live there on the weekends?

Tom Kelly: Mr. Chairman. I appreciate Mrs. Hannan's point, the only problem that I would have with it is in terms of enforceability. If we leave it unspecified, I don't know at what point we are able to say that we believe that somebody is living there permanently vs. the individual's response saying 'no I'm not, I'm just here temporarily for the next nine months, or something' you know. I know there is a common sense element that plays to it, but I really do suggest to you that we have a number. I don't care if it is sixty or ninety, I don't care what the number is but I really think we need to have a number in there.

Don Willey: Would sixty days be adequate Dave?

David Duane: I don't have a problem with sixty days.

Don Willey: How much are you going to charge a night?

David Duane: \$150.00 a night.

Don Willey: Times ninety. They would have to bring a \$10,000.00 bill with them.

Tom Kelly: It will be well worth it I certain. But at the very least we would know that on the sixty-first day there would be a new tenant.

Don Willey: Only Attorneys and lottery winners could afford that.

Tom Kelly: Thank you Mr. Chairman.

Don Willey: Would that be satisfactory, sixty-days?

David Duane: Yes, I would agree to that.

Don Willey: Okay. Item number nine; The applicant is permitted to allow all bed and breakfast customers the opportunity to use the entire property for enjoyment but only between the hours of \_\_\_\_ a.m. An until \_\_\_\_ p.m.

Tom Kelly: Mr. Chairman. That maybe not as well written as it might have been. What I was getting to there was the concerns that were previously by some of the neighbors about the visitors walking the property late at night or at hours that would put them in proximity to the residential homes in the neighborhood. I don't imagine that people would be wondering around in the middle of the night but at the same time we would like to have some restriction on the use of the exterior of the property is really what it should read.

Don Willey: Would dawn to dusk be reasonable? It would be 14 hours sometimes and 8 or 9 hours other times.

David Duane: I guess I'm not clear on terms of use the entire property for enjoyment, what exactly does that mean?

Tom Kelly: Mr. Chairman. Mr. Duane, previously you talked about walking paths and I think you

suggested that they may be lighted, little lights or something.

David Duane: That's incorrect. I'm not sure where that came from, but there is no lighting around the path.

Tom Kelly: Well as to the walking path, just the use of it then, the concern is what can the neighborhood anticipate would be the anticipated use of the walking path? I would presume it would be no earlier than 7:00 a.m. and no later than sunset. You don't have people walking in the dark.

David Duane: Okay, what if I have a runner who comes and stays in the bed and breakfast and goes running at 6:30 a.m.?

Tom Kelly: Well, if it is dark and we have neighbors that might be concerned about strangers running in the dark in close proximity to their home, that might be problematic. It's something for the Commission to consider, that's all.

Don Willey: I would think that as soon as it's light and until dusk, I believe that it would also protect your guests from something that might happen in the middle of the night when it's dark.

David Duane: It's not yet designed, but if we had a patio that was right off the house, would they have to come in when it gets to be dusk?

Tom Kelly: Mr. Chairman. Mr. Duane, common sense has some application. I don't think we are likely to find fault with you or with your guests for using the patio in that way. The concern is more with regard to times that your visitors would be coming in close proximity to any neighboring properties, and at what hours would that likely be restricted. That is the only reason why that is in there sir. And if the Commission would allow, I would strike the word entire and insert the word exterior. Mr. Duane, what hours would you like?

David Duane: I'm still not clear in terms of exterior property for the enjoyment, I'm not clear on terms of what that means.

Tom Kelly: Well, if you would like we can restrict it to the walking path, would you like us to say that?

David Duane: If that's what the issue is, I think that would be much more appropriate. The other thing is that I would like to ask is how is this implemented, like would I need to inform people that they can only be outside during certain hours.

Tom Kelly: Mr. Chairman

Don Willey: Mr. Kelly.

Tom Kelly: We would hope that you would advise your people appropriately as to the rights of the neighbors and their concerns. And if that means there are restrictions that are placed that those restrictions would be honored, but no one will be checking on you. We don't police it. The only time it would come into play would be if we got complaints from the neighbors and then we would be able to come and address that directly with you.

Mayor Stefanik: Mr. Chairman. It is no different than your house on Corkwood if someone would complain that you were loud at 10:00 at night, we would come out to see what the problem is.

David Duane: It's a little bit different in that we are talking about somebody walking the path around the property, not interacting with anyone on any neighbor's side. It is different if my party is too loud or issues like that.

Mayor Stefanik: I think the Law Director just said he would put something in there about the walking path.

Tom Kelly: Mr. Chairman. With the commission's permission we would strike the word 'exterior property' and just insert 'walking path', so it would read; applicant is permitted to allow all bed and breakfast customers the opportunity to use the walking path for enjoyment but only between the hours of blank and blank, or until sunset, whichever is later. I was trying to create the larger possible window for the people to be able to make use of the walking path in a reasonable manner without coming into conflict with the neighbors, that's all.

Mayor Stefanik: Mr. Chairman. Sunrise to sunset, wouldn't that make sense.

Don Willey: That's what I was thinking. Or you could say from the crack of dawn

Mayor Stefanik: Sunrise and sunset is on the weather.com every day, I look at it 7:38 sunup, sundown at 9:10. And if you went 10 minutes over, I'm sure we wouldn't be out there policing it. It's all about common sense, a lot of this.

Don Willey: I think, Dave, to a certain extent this is kind of a protection for you when folks come to your facilities. If it was in the middle of a city and well lit and if you want to walk around the parking lot that would be one issue, if you are out south of route 82 where there are street lights it will be some times very, very dark, so.

Vince D'Agostino: Mr. Chair.

Don Willey: Vince

Vince D'Agostino: Could we set a distance from the property of the residents for the walking path, so many feet from the end of the property? I mean right now you could put that walking path right on the boarder, right on the edge of the property. Maybe it would be better to set a distance that they have to be 25-feet from the property line.

Don Willey: It's about how far from the property line now?

Eric Newland: It varies between roughly 25 and 200 feet, we are well off the property lines.

Don Willey: That's fine.

Eric Newland: Every house in a subdivision that has a sidewalk is closer than the distance than it is here on this.

Cheryl Hannan: Mr. Chairman. I guess what's concerning me is that we would not be able to restrict him from using his property anyway he deems fit. Obviously if he is using it all hours and the neighbor's are complaining than we could go out and take care of the situation. I guess I don't know why we really need to have a restriction on the use of his property. We would still have the same remedies if people were miss-using it then we could go and take care of the situation.

Tom Kelly: Mr. Chairman.

Don Willey: Mr. Kelly.

Tom Kelly: Other than noise concerns I don't know what other Ordinances we might be able to employ to place a restriction on or to enforce such a condition as I've tried to layout here. If we don't have this in the conditional use permit than all of the guests would be in a position to use the walking path whenever they like, day or night. I don't know if that's appropriate for a rural residential area. The whole point of having a conditional use permit is to try to make the use possible, but to restrict to some reasonable limits. I would hope that you would find that there needs to be some reasonable limits placed on the use of the walking path. This is up to you. It's a matter of discretion on the part of the commission.

Don Willey: Anyone else from the commission. Any comments?

Tim Miller: Mr. Chairman to the applicant, if there was a dusk till dawn limitation, could you give me an example of how it would impede the bed and breakfast?

David Duane: Perhaps a camp fire and roasting marshmallows or something in that effect. It's not right at the building but on the path down further. I wouldn't expect people to be out all night with that but it might be an event, special event type of thing. Someone might want to do a walk and some meditation type of approach to it. I understand the reasonable time frame. But, it could be other times besides that.

Tim Miller: I think Mr. Willey was trying to say that if your walkways are not lit than you would have people walking in a dark area which could create a hazard for you on an insurance basis. If you are talking about a camp fire, and I can appreciate that with a bed and breakfast, you would want an area where people could go out in the evening in the summer time and light a fire and roast some marshmallows, but wouldn't that be contained closer to the building itself opposed to further away.

David Duane: More than likely I would agree with you in terms of your description, but I can't say with absolute certainty that it would be.

Tim Miller: I think what Mr. Kelly said, it is just common sense if you are going to have an area right by the residency with a patio where you might have a fireplace that is going to be right there. I guess my concern is are you going to be going out on these walking paths to the meditation area and have a camp fire there?

David Duane: I guess my concern is the exception. I mean in terms of norm I wouldn't expect people to do that, but they may have a good reason why they would want to do that.

Don Willey: For purposes of this walking path would dawn to dusk and there very well may be exceptions, would that be adequate for this? I don't think the dawn to dusk patrol will be driving down State Road with a pair of binoculars. I mean from a practical standpoint.

David Duane; I just want to make sure that dusk would be sunset?

Don Willey: There about. Before it hits the tree length. As long as you can visually see. Sometimes in the summertime it will be 5:30 am and 9:15 at night.

David Duane: There is an aesthetic aspect to it and I just want to bring up and that is the reason why we call it Purple Skies Farm is because of the sky at dusk or sunset is beautiful. I would certainly want to catch the moment. I think some people would come just to have that experience with that vision.

Don Willey: I personally, unless others think differently, I would think that would cover it.

Cheryl Hannan: Mr. Chairman. Did a lot of public members complain about this? I just recall one particular person.

Don Willey: I don't know what the count was, honestly. Do you have those minutes here?

Julie Broestl: I can tell you while I'm at work, no one came in to complain about this or even view it.

Mayor Stefanik: Mr. Chairman.

Don Willey: Mayor Stefanik

Mayor Stefanik: Homeowner on Cady who owns a couple of lots that mentioned that he was worried about people coming close to the property line. It wasn't a huge objection. I still think that sunrise to sunset will give people time to see the sun go down and the purple sky, and all the stuff that they are paying for, to see. Again, no one is out there policing it. There are people building bonfires in the summertime every night in North Royalton. We don't police it. But if we do get a complaint we will come out and take a look at it. Usually we can solve the situation easily between the homeowners. We have to have something in there. We can't just leave it at you can do whatever you want 24 hours a day. We have to protect the people around you also.

Eric Newland: I think as a citizen we could use our ethical judgment on that. I don't think that this needs to be in writing. We are talking about a very nice house with four additional rooms. We might have one or a couple of guests walking around. Perhaps it is Halloween and Mr. Duane wants to have a ghost story walk with the kids, just something very basic and fundamental. I don't know if this needs a restriction. If there is a problem we can handle it the same way we would handle an issue with another neighbor. I'm sure Mr. Duane would be happy to comply in that scenario.

Don Willey: Well it's not a typical home and it won't be a typical home. You may have reunion weekends, so that is the reason for some restrictions. By the way you are our test case cause you are our first bed and breakfast in North Royalton.

Tim Miller: Mr. Chairman.

Don Willey: Mr. Miller.

Tim Miller: Miller: I agree with the Mayor regarding the time frame, it's just a good protection for the City. I think common sense is going to prevail on both your side and the City's side. If for whatever reason someone gets a hair in the wrong place and calls up for some BS complaint, while you are walking around telling some kids a scary story in October, I think if you would tell the police officer they would probably say carry on. I can't speak for them but I think common sense will prevail on both sides. I agree that there has to be some sort of guidance there of a time frame.

Tom Kelly: Mr. Chairman.

Don Willey: Mr. Kelly.

Tom Kelly: What we can do in order to try to build a little flexibility into it, is to allow exceptions to be approved by the Building Commissioner. So, in the event that on a given evening as an exception to the general rule, Mr. Duane and his guests wish to use the walking path in some other fashion than is otherwise approved of, the Building Commissioner would be given the authority to create an exception for that. We can do that. What we can't do is once this conditional use is approved by the Planning Commission and the City Council, that's it. You never get another chance to create any restrictions on the use of that property. It's done. And whether Mr. Duane is there or his successor and his successors could be people who are not quite so ethical, not quite so idealistic, not quite so admirable in the manner in which they would proceed, we would have no ability what so ever to restrict their use. So, if we do not get something down here now you will never get it. With the changes that have been suggested let me read paragraph nine again and we will add the flexibility language to permit the Building Commissioner to allow exceptions. Paragraph number nine; The applicant is permitted to allow all bed and breakfast customers the opportunity to use the walking path for enjoyment but only between sunrise to sunset and then I put (exceptions to be permitted by the Building Commissioner on a case by case basis).

Don Willey: Does that mean he would have to get a permit?

Tom Kelly: No, not a formal permit. Simply something acknowledging the ability to make use of it in a fashion that would otherwise be contrary to the language in paragraph nine.

Don Willey: Mr. Kelly, do you think that will be a hassle?

Tom Kelly: No sir. An e-mail probably would be sufficient.

Don Willey: Is that acceptable?

David Duane: It is acceptable to me.

Don Willey: Thank you. Okay, item ten; Bed and breakfast operation and plant husbandry operation comply with all regulations of State and County agencies which have jurisdiction over any portion of the applicants operation.

Tom Kelly: Mr. Chairman.

Don Willey: Mr. Kelly.

Tom Kelly: I apologize again because the plant husbandry was not part of this application the words and plant husbandry operation shall be stricken so that it would read; the applicants bed and breakfast operation shall comply with all the regulations, etc.

David Duane: I'm not sure why we would need to do this. The regulations stand as they stand.

Tom Kelly: I can tell you why. Mr. Chairman. In the event that your successor, Mr. Duane not you, we expect that you will comply with every law under the sun, but your successor may not. And if your successor does not, for example they don't comply with the regulations of agriculture, or the Board of Health, whatever the case may be, if that operation would be creating a hazard to the public. A safety concern, or some other nuisance to the community generally, if that were to be the case, we would have, the Council would have, the authority than on the basis on the jurisdiction and actions of these other agencies to revoke the conditional use permit which otherwise it would not have. That's the reason.

David Duane: I still think you need to have compliance to the law. I mean you have to comply with the law. So, whether it's my successor or not I still think they need to comply with the law.

Tom Kelly: Mr. Duane, look, Mr. Chairman. If you successors do not comply, let's say they don't, and the Department of Agricultural has to come in or the Board of Health has to come in in order to take some action, the City Council, the City itself would not be in a position to revoke the conditional use permit. Whereas it is my job to recommend to the Council and to the Planning Commission that we retain the City retains as much authority over this experience as possible because it is a clear and significant exception to the law. It is an exception to the rule. If Council and Planning Commission approve the conditional use permit as is anticipated they will be creating for you and for your successors an opportunity, the likes of which are not approved anywhere else in this community. So, from the Law Department's point of view we recommend that that provision be retained.

Cheryl Hannan: Mr. Chairman. That is the standard language that would be in any type of conditional use, any type of contract. You're right you are going to follow the state laws but that's just setting it forth again.

David Duane: I guess I don't see the point or part of what Mr. Kelly is talking about, take it back or close it down, or whatever you are going to do with it. Not with me, my successors. I agree with following the laws and regulations, there is no problem with that. I don't see where this says what actually will be taken if they don't follow the law of regulations?

Tom Kelly: It's in the next paragraph.

Don Willey: In event the part of the applicant comply with the terms of this conditional use permit may result in action by North Royalton City Council to revoke part or all of said permit and require applicant to restore the property to the restrictions set forth in the Zoning Code for Rural Residential properties without conditional use permit allowances.

Don Willey: Mr. Kelly, what might be another example other than what we are talking about where we would give someone a conditional use permit and then they just go off the deep end?

Tom Kelly: And abuse it. And again, Mr. Duane, this is not intended to make some comparison to you or to your program. Occasionally, there is a request for a conditional use permit for the crushing of concrete. We have seen that before. In the event that the applicant abuses the permit and exceeds the conditions that were laid down the city has the right to come in and revoke the permit and close them down. But without restrictions that are clear relative to the times of operation, the nature of the operation, and the manner in which the operation is conducted, I would have no ability to present to a court of jurisdiction any evidence that would be able to be used as a yard stick for the court to be able to say either they have met the guidelines or failed to meet the guidelines. What we are doing tonight is trying to create the guidelines so that we have a yard stick and so that we know that there is compliance or there isn't compliance. I can't think of another example of a conditional use permit because they come up so rarely.

David Duane: Could you explain what my successors would have to do about to restore the property to the restrictions set forth in the zoning code for rural residential properties without conditional use permit allowances? What would happen to the building?

Tom Kelly: Mr. Chairman. The significant to that, and I can only speculate on it because of course until we had a court order, I don't have anything on which or with which to demonstrate what the court might do with it, but City Council on revivification would at least possess the authority to revoke the bed and breakfast usage. If there were abuses of significant level and repetitive nature, such as to indicate that your successors had not conducted themselves in accordance with these restrictions, but instead starting renting the units hourly, or started bringing people in on a permanent basis to make it a Medicaid home. Call it what you want. If there are any abuses and violations of the restrictions that are set down here within, Council would at least at that point have the authority to shut them down. What happens with the building is of no concern to the rest of us. Maybe a large family would move in, I don't know.

David Duane: I will comply with the law and the regulations.

Don Willey: Okay. The other matters regarding the conditional use permit from anyone on the Commission, the Engineer, the Law Director. Anybody? Okay. I make a motion to move this to the regular order of business.

Moved by Mayor Stefanik, seconded by Vince D'Agostino, to **move to the regular order of business.**

Don Willey: Call the roll.

Cheryl Hannan: Yes

Tim Miller: Yes

Mayor Stefanik: Yes

Vince D'Agostino: Yes

Chairman Willey: Yes

**Yeas – all. Nays – none.**

**Motion carried. (5-0)**

Don Willey: Motion to adjourn the Public Hearing.

Moved by Vince D'Agostino, seconded Mayor Stefanik, **to adjourn the Public Hearing.**

Don Willey: Call the roll.

Tim Miller:	Yes
Vince D'Agostino:	Yes
Mayor Stefanik:	Yes
Cheryl Hannan:	Yes
Chairman Willey:	Yes

**Yeas - all. Nays – none.**

**Motion carried. (5-0)**

The North Royalton Planning Commission held a **Regular Meeting** at the City Hall Council Chambers, 13834 Ridge Road, on **Wednesday, March 7, 2012**. The meeting was called to order by Chairman Don Willey at 7:46 pm.

Present: Chairman Don Willey, Mayor Stefanik, Tim Miller, Cheryl Hannan,  
Vince D'Agostino, City Engineer Mark Schmitzer,  
Law Director Tom Kelly, Secretary Julie Broestl.

Don Willey: Motion to approve the minutes of February 1, 2012.

Moved by Vince D'Agostino, seconded by Tim Miller, to **approve the minutes of February 1, 2012**.

Don Willey: Please call the roll.

Tim Miller: Yes  
Vince D'Agostino: Yes  
Mayor Stefanik: Yes  
Cheryl Hannan: Yes  
Chairman Willey: Yes

**Yeas – all. Nays – none.**  
**Motion carried. (5-0)**

#### **Old Business:**

**Woodcroft Glen**, Woodcroft Glen Phase II, Final Plat Approval. **Tabled – No action.**

**Medina County Port Authority/OneCommunity**, Site Plan Approval to Construct an Aerial Fiber Network through North Royalton. **Tabled.**

Moved by Don Willey, seconded by Tim Miller: Miller to **remove Medina County Port Authority from the table.**

Don Willey: Call the roll.

Vince D'Agostino: Yes  
Mayor Stefanik: Yes  
Cheryl Hannan: Yes  
Tim Miller: Yes  
Chairman Willey: Yes

**Yeas – all. Nays – none.**  
**Motion carried. (5-0)**

Don Willey: Item B. I understand that they want to withdraw the application. We need to make a motion to withdraw this.

Moved by Tim Miller, second by Mayor Stefanik, to **withdraw Medina County Port Authority/OneCommunity.**

Don Willey: Please call the roll.

Vince D'Agostino: Yes  
Mayor Stefanik: Yes  
Cheryl Hannan: Yes  
Tim Miller: Yes  
Chairman Willey: Yes

**Yeas – all. Nays – none.  
Motion carried. (5-0)**

Don Willey: That is now removed from the Planning Commission. Item C, Purple Skies Farms. Does anyone want to take a half hour break?

Laughter

Purple Skies Farm/David & Visar Duane, 18802 State Road, RR Zoned, PPN: 486-14-007 and 008.  
**Site Plan Approval for a Conditional Use Permit for a Bed and Breakfast and Accessory Structures in Rural Residential District.**

Tom Kelly: Mr. Chairman.

Don Willey: Mr. Kelly

Tom Kelly: Based upon the Public Hearing experience and the discussion therein and the sense that I have of the Planning Commission's view based upon those discussions and the contributions from the members, let me read into the record, if you please, the purposed suggested conditional use permit restrictions. Number one: The Planning Commission recommends to City Council that the applicant's request for conditional use permit be granted upon the following conditions; Applicant (or its successors shall be permitted to operate a bed and breakfast facility on the property limited to four bedroom units in addition to the single family structure as previously outlined in the site plan approval. The bed and breakfast operation shall allow for customers to lease a room on a minimum of one full overnight basis, no hourly rental is permitted, and a maximum of 60 consecutive overnights, no permanent or semi-permanent residential status is permitted. The applicant is permitted to allow all bed and breakfast customers the opportunity to use the walking path for enjoyment but only between sunrise and sunset (exceptions to be allowed on a case by case basis by the Building Commissioner) Applicant's bed and breakfast operation shall comply with all regulations of both State and County agencies which have jurisdiction over any portion of the applicant's operations. Any failure on the part of the applicant to comply with the terms of this conditional use permit may result in action by the North Royalton City Council to revoke part or all of said permit and require applicant to restore the property to the restrictions set forth in the Zoning Code for Rural Residential properties without conditional use permit allowances.

Don Willey: So, if the applicant accepts these and we will recommend approval of the conditional use permit.

David Duane: I do accept them.

Don Willey: I would like a motion to approve the items, the five or six items, on the conditional use permit.

Moved by Tim Miller, seconded by Vince D'Agostino, **to approve the six items on the conditional use permit stated by Mr. Tom Kelly.**

Tim Miller:	Yes
Vince D'Agostino:	Yes
Mayor Stefanik:	Yes
Cheryl Hannan:	Yes
Chairman Willey:	Yes

**Yeas – all. Nays – none.  
Motion carried. (5-0)**

Don Willey: Dave, I'm going to miss you on Wednesday nights.

David Duane: Oh, I think I'll be back.

Laughter

Tom Kelly: Mr. Chairman. The Secretary will then be directed to prepare the conditional use permit as outlined here and submit it to City Council for proposal.

Julie Broestl: Shall do.

Moved by Mayor Stefanik, seconded by Tim Miller, **to adjourn the meeting of the Planning Commission of March 7, 2012.**

Don Willey: Please call the roll.

Tim Miller:	Yes
Vince D'Agostino:	Yes
Mayor Stefanik:	Yes
Cheryl Hannan:	Yes
Chairman Willey:	Yes

**Yeas – all. Nays – none.  
Motion carried. (5-0)**

Meeting adjourned at 8:27 pm

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

Attest; \_\_\_\_\_