

The North Royalton Planning Commission held a Public Hearing at the City Hall Council Chambers, 13834 Ridge Road, on **Wednesday, April 9, 2014**. The meeting was called to order by Chair Cheryl Hannan at **7:10 p.m.**

PRESENT: Planning Commission: Chairwoman Cheryl Hannan, Mayor Stefanik, Larry Antoskiewicz, Frank Castrovillari, Diane Veverka. **Administration:** Building Commissioner Dan Kulchytsky, Law Director Thomas Kelly, City Engineer Mark Schmitzer.

Moved by Mr. Antoskiewicz, seconded by Mayor Stefanik **to excuse Timothy Miller for cause**. Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None. Motion carried.**

Pledge of Allegiance was recited by all.

PUBLIC HEARING:

Moved by Mr. Castrovillari, seconded by Mayor Stefanik **to correct by removing Codified Ordinance 1262.03 (c) as noted in the Public Legal Notice and correct with 1262.07 relating to the conditional use permit**. Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None. Motion carried.**

1. Yousef Khanfar, 11166 W. Edgerton Road, PPN: 484-04-006

Review of conditional use permit. This conditional use permit shall allow for the continued use of an existing accessory structure for the purpose of farming his property.

Mr. Yousef Khanfar, residing at 2255 West Edgerton Road, Broadview Heights, explained that he lives approximately three miles down from the recently purchased property being discussed. He said he would like to farm the property with fruit trees as a hobby and use the existing barn as storage for the farm equipment.

Mr. Kelly suggested that since Mr. Khanfar has had extensive discussions with Mr. Kulchytsky, it might be helpful if Mr. Kulchytsky could give an overview of what his understanding is and what restrictions he feels should be placed on the conditional use permit. This will give everyone in the audience a better understanding of what was discussed.

Mr. Kulchytsky said that as the applicant stated, he has a parcel of land located at 11166 West Edgerton Road. On that property there is located an existing accessory structure, a barn, without a primary use. Mr. Kulchytsky said his understanding is that Mr. Khanfar's intention is to plant an orchard of fruit trees and farm the land with other vegetables. He would like to store his farming equipment within in the barn. He added that based on his discussions with Mr. Khanfar, he has put significant thought into some stipulations on this property.

Mr. Kulchytsky proceeded to present some stipulations that may be placed on the property for the conditional use. He explained that the Planning Commission has the right to add to this list of conditions that will provide a set of rules of how Mr. Khanfar is to conduct the use of his property.

They conditions are as follows:

There shall be no commercial sales of produce that shall occur from this property; he cannot set up a stall on this property to sell fruit. The property is limited to plant husbandry. No farm animals shall be kept on the property except as previously permitted on the area leased to the neighbor for the keeping of horses as per their earlier existing horse permit agreement. Additionally, all equipment including farm equipment shall be stored in doors. There shall be no ATV's or recreational equipment used or stored on the property. As to hours of operation, Mr. Khanfar will fall under the use and the noise regulations that currently exist in the city of North Royalton. Mr. Schmitzer spoke to what the hours are for the noise ordinance. Any change in the use or scope of this use shall require Planning Commission review and approval.

Kathy King, who resides at 11134 Edgerton Rd, spoke in support of Mr. Khanfar's having full use of his property, all 11.79 acres and the barn. She explained that she lives three houses down from the property being discussed. She said that in 2012, the previous owner had put \$30,000 of improvements on that property. She said Mr. Khanfar has already been cleaning up the site of debris and brush. She said the property is across from the Mill Stream Reservations which has designated horse parking, bridal trails and a parking area. Ms. King said they previously leased the entire 11.79 acres and the barn area. They maintained the property and used it for grazing. She feels being a rural area this fits in with the city's plan of staying rural, growing organic and preserving some of the green place. It was listed as horse property when it was sold. She feels it is being unfair to limit him to not having horses. She summarized by saying that the investment on that property is an investment in our community; the area is advantageous to have animals.

Mr. Khanfar said he wanted to have a horse for his kids, but was told the ordinances would not allow anyone to have a horse without residing on the property. That is why he did not put it in his request. If he could he would like to.

Mr. Kelly explained that what Mr. Khanfar is asking for right now is in derogation of the statute. A conditional use permit is a grand exception to the law.

Allan King, who resides at 11134 Edgerton Road, spoke in support of Mr. Khanfar's ability to use the barn for whatever he chooses if he is the property owner.

Moved by Mayor Stefanik, seconded by Mr. Antoskiewicz to **move 11166 West Edgerton Road – Conditional Use Permit to the regular order of business.** Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None.**
Motion carried.

Moved by Mr. Antoskiewicz, seconded by Mr. Castrovillari to **adjourn the Public Hearing.** Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None.** **Motion carried.**

REGULAR MEETING:

PRESENT: Planning Commission: Chairwoman Cheryl Hannan, Mayor Stefanik, Larry Antoskiewicz, Frank Castrovillari, Diane Veverka. **Administration:** Building Commissioner Dan Kulchytsky, Law Director Thomas Kelly, City Engineer Mark Schmitzer.

Moved by Mr. Antoskiewicz, seconded by Frank Castrovillari **to excuse Timothy Miller for cause.** Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None. Motion carried.**

Moved by Mayor Stefanik, seconded by Mr. Castrovillari **to excuse Larry Antoskiewicz from voting on the March 12, 2014 Planning Commission meeting minutes.** Roll call: **Yeas: Three** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari). **Nays: None. Motion carried.**

Moved by Mayor Stefanik, seconded by Mr. Castrovillari **to approve the March 12, 2014 Planning Commission meeting minutes.** Roll call: **Yeas: Three** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari). **Nays: None. Motion carried.**

Moved by Mr. Antoskiewicz, seconded by Mr. Castrovillari **to approve the January 29, 2014 Planning Commission meeting minutes.** Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None. Motion carried.**

OLD BUSINESS

1. **Woodcroft Glen**, Royalton Road, GB and RMD Zoned. Woodcroft Glen Phase 2 final plat approval. **Tabled.**

Moved by Mr. Antoskiewicz, seconded by Mayor Stefanik **to remove Woodcroft Glen from the table.** Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None. Motion carried.**

Mr. Kelly explained that the applicant at Woodcroft Glen was unable to be present at today's meeting but they have requested a 180 day extension.

Moved by Mr. Antoskiewicz, seconded by Mr. Castrovillari **to grant a 180 day extension to Woodcroft Glen.** Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None. Motion carried.**

NEW BUSINESS

1. **AI & Lia Consiglio, 14129 State Road, PPN: 487-10-006 & 487-10-024 Resubmission of revised design of their office building.**

Mr. Kulchytsky said the Building Division has been in contact with the applicant and the architect is unavailable; he is out of town due to business. They have requested to be tabled until the next available Planning Commission meeting which is April 23, 2014.

Moved by Mayor Stefanik, seconded by Mr. Castrovillari **to table this item.** Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None. Motion carried.**

2. Yousef Khanfar, 11166 W. Edgerton Road, PPN: 484-04-006

Review of conditional use permit. This conditional use permit shall allow for the continued use of an existing accessory structure for the purpose of farming his property.

Mr. Kelly said that he, Mrs. Vozar and Mr. Kulchytsky previously met with Mr. Khanfar and Mr. and Mrs. King. He added that they have no reason to oppose, and in fact, recommends to the Commission that the conditional use permit Mr. Khanfar is seeking is perfectly reasonable under the circumstances that he be permitted to make some appropriate use of the property. This is under our code an appropriate use of the property in rural residential subject to the conditions that Mr. Kulchytsky previously laid out.

Mr. Antoskiewicz asked Mr. Khanfar if he agrees to the conditions that Mr. Kulchytsky detailed. Mr. Khanfar said yes he does agree to the conditions.

Ms. King said she enjoys her horses, but she does not plan to acquire more. She added that at one time Mr. Khanfar mentioned that he would love for his children to learn how to ride.

Mayor Stefanik explained that if in the future there is an interest to have additional horses on the property, they may return to the Planning Commission and make a new request.

Moved by Mayor Stefanik, seconded by Mr. Antoskiewicz **to approve the conditional use permit subject to the conditions put forth by the Building Commissioner.** Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None.** **Motion carried.**

ADJOURNMENT

Moved by Mayor Stefanik, seconded by Mr. Antoskiewicz **to adjourn the March 12, 2014 Planning Commission meeting.** Roll call: **Yeas: Four** (Mayor Stefanik, Cheryl Hannan, Frank Castrovillari, Larry Antoskiewicz). **Nays: None. Motion carried.**

Meeting adjourned at 7:40p.m.

APPROVED: _____ DATE APPROVED: _____
Chairwoman Cheryl Hannan

ATTEST: _____
Secretary Diane Veverka