

**PLANNING & ZONING COMMISSION**  
**February 11, 2014 – 7:00 P.M.**

The Planning Commission met at City Hall on the above date.

Present: Commission Members Bentley, Mazur and Newberry, Councilman Pelunis, Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: Mayor Drucker

Also Present: Councilman Pedicino, Fire Lieutenant Eisenhuth, Assistant City Engineer Welch

**NOTES OF CAUCUS DISCUSSION:**

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus)

Chairman Pelunis presided.

The Commission discussed the possibility of changing the manner in which minor alterations from the Planning Department are addressed in an effort to expedite the process. It was determined further discussion will occur at the next meeting when all members of the Commission are present.

**PENDING:**

1. 29000 Aurora Road – Aurora Commerce, LLC (Cleveland Clinic) – various parking variances: Mrs. Welch said the Engineering Department is still working with the applicant regarding the storm water management program. In addition, they will be required to enter into an inspection and maintenance agreement.

Councilman Pelunis said these items can be added as contingencies.

**NEW:**

5. 6100 Cochran Road – Swagelok – Ben DiSante – parking lot material variance and site plan for temporary gravel parking: Councilman Pelunis recommended a time contingency be added.

Mr. Frankland said he spoke with Mr. DiSante who feels June 15, 2014 will be appropriate.

6. 38115 Kerrington Way – Dinallo & Wittrup – not parallel to the street variance: Mr. Rick Dinallo was present and suggested the Commission consider allowing the

Planning Department and Engineering Department to address the requirements for approving these types of variances when located on cul-de-sacs.

Mr. Frankland said the Planning Department and the Engineering Department are recommending the variance be approved as the home will look better situated on the parcel with the variance.

Mr. Stolarsky said although technically this is a minor variance, it would not be appropriate to give the Administration the authority to grant variances.

Mr. Mazur asked if it would be possible to grant four blanket variances if there were four parcels on a cul-de-sac.

Mr. Newberry said that would only be possible if the four house plans for the four parcels were submitted at the same time.

8. 31460 Crabtree Lane – Jami & Jonathan Schaefer – minimum side yard setback variance and minimum cumulative side yard setback variance: Councilman Pelunis said variances were previously granted for this property and asked if they would still be necessary.

Mr. Schaefer said those variances will no longer be necessary as the site plan has been revised.

#### COUNCIL REFERRAL:

11. Proposed Zoning Code amendment – Comprehensive Revision of Permitted Uses: Councilman Pelunis explained that the public hearing will remain open for future meetings. He said Mr. Frankland will provide a general introduction and review, the Planning Commission will ask their questions and then the public hearing will be opened for comments from the public.

Mr. Frankland said there are no minor alterations to review.

Mr. Stolarsky said since a member of the Commission is absent tonight, any applicant who prefers to table their item until there is a full Commission will be able to do so since it will be necessary to receive approval from three of the four members in attendance to carry the motion.

The caucus ended at 7:20 P.M. and the meeting convened at 7:30 P.M.

Councilman Pelunis presided.

#### CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

Mr. Vernon Meckfessel, 6605 Liberty Road, was present. He asked if a light nuisance section could be added to the proposed zoning code amendment. Mr. Meckfessel displayed photographs of outside lights on the property adjacent to his that were left on for nine months from dusk till dawn. He said the lights are brighter than street lights and he feels nobody should have to experience this.

Mr. Frankland said this issue would not be part of the proposed zoning code amendment as it would be unnecessary for this issue to go to the electorate. He believes this issue would be a good addition to the residential section and will review it.

APPROVAL OF MINUTES:

Motion by Mr. Mazur, seconded by Mr. Bentley to approve the minutes of the January 28, 2014 meeting.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Mr. Stolarsky said since there is one member of the Commission absent today, the passage in the affirmative of any motion would have to be made by three of the four members present. Therefore, any applicant who believes they would benefit by having the application tabled until there is a full Commission, may choose to table the application.

PENDING:

1. 29000 Aurora Road – Aurora Commerce, LLC (Cleveland Clinic) 091-2013 5
  - 0.4' minimum parking aisle width variance (west side parking lot)
  - 0.7' minimum parking space depth variance (west side parking lot)
  - 1.2' minimum parking aisle width variance (east side parking lot)
  - 0.05' minimum parking space depth variance (east side parking lot)
  - Site plan

Mr. Anthony Madden, representing Aurora Commerce, LLC and Mr. Andy Dorner, Asphalt Construction and Services, were present.

Mr. Frankland said this proposal was previously approved with landscape contingencies and the City landscape architect has approved the landscape plan.

Mrs. Welch said the Engineering Department is still working with the applicant to complete storm water calculations and an inspection and maintenance agreement.

Councilman Pelunis said the two items from the Engineering Department can be added as contingencies. He asked the applicant if they would agree to the contingencies.

Mr. Madden said they would agree to the contingencies. He displayed the site plan and indicated the location of the variances with an explanation as to their necessity.

Mr. Newberry said the variances are a continuation of the existing conditions on the parcel.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 0.4' minimum parking aisle width variance (west side parking lot).

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 0.7' minimum parking space depth variance (west side parking lot).

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Councilman Pelunis to approve a 1.2' minimum parking aisle width variance (east side parking lot).

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve a 0.05' minimum parking space depth variance (east side parking lot).

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the site plan with the contingencies that the storm water calculations meet the satisfaction of the Engineering Department and that an inspection and maintenance agreement be completed.

The contingencies were agreed to by the applicant's representative.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

- |    |   |          |   |
|----|---|----------|---|
| 2. | 33615 Aurora Road – Mid America Management  | 102-2013 | 6 |
|    | <ul style="list-style-type: none"> <li>▪ 13 sq ft maximum sign area variance</li> <li>▪ 10" maximum sign height variance</li> <li>▪ 3' – 10" maximum sign width variance</li> <li>▪ 8' minimum sign setback from right-of-way variance (Solon Boulevard)</li> <li>▪ 7' minimum sign setback from right-of-way variance (Aurora Road)</li> </ul> |          |   |

Councilman Pelunis asked the Clerk to send a letter to the applicant requesting they attend the next Commission meeting or the item will be moved to the Inactive Agenda.

Motion by Councilman Pelunis, seconded by Mr. Mazur to table consideration of Item 2.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

3. 6353 Glenallen Avenue – PP#'s 954-02-135 and 954-02-136 – Amy Dlugolinski 005-2014 7
- Lot consolidation

Mr. Frankland said the lot consolidation is required and will bring the parcels into compliance with the Code.

A public hearing was scheduled and Councilman Pelunis opened the public hearing and asked for comments.

There were no comments, therefore, the public hearing was closed.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the lot consolidation for PP#'s 954-02-135 and 954-02-136 at 6353 Glenallen Avenue.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

4. 33425 Arthur Road – Solon Board of Education 006-2014 7
- Minimum 25% uniform openings fence variance
  - Site plan for playground and fence

Mr. Fred Bolden, representing Solon Board of Education, was present. He said the playground was installed approximately three years ago and it was only recently brought to the School Board's attention that the fence was not in compliance with the City Code.

Mr. Bolden displayed photographs of the fence and said that the sections of the fence that face the public do not have spaces between them, however, the sections of the fence that face the school do have spaces between them. He explained that the playground was built with stimulus funds for special needs children. Mr. Bolden said the fence was built in this fashion so as not to expose the children to the activity from the public side of the property. He said they were unaware that a minimum 25% uniform opening fence variance was required.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a minimum 25% uniform opening fence variance for 33425 Arthur Road.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Councilman Pelunis to approve the site plan for the playground and the fence.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

NEW:

5. 6100 Cochran Road – Swagelok – Ben DiSante 008-2014 5
- Parking lot material variance
  - Variance to not install curbing
  - Site plan approval for temporary gravel parking

Mr. Ben DiSante, Swagelok, was present. He displayed a site plan indicating where an additional 29 spaces will be added with temporary materials. The temporary material will consist of a gravel base and, once the weather permits, permanent paving will be installed with curbing.

Mr. Frankland said only the gravel parking would be approved today and the applicant would have to return for approval to pave the lot.

Mr. DiSante was hoping the temporary gravel, which will be used as a base until the permanent paving is installed, could be approved tonight.

Mr. Stolarsky said the approval of temporary gravel base tonight is not a guarantee that the permanent base will be approved at a future date.

Mr. Newberry said he believes it is Mr. DiSante's intention to use the gravel as a base and for temporary parking until the weather permits the permanent material to be installed. He asked if it was Mr. DiSante's intention to complete the project, including the hard surface, during the 2014 construction season.

Mr. DiSante said it is their intent to complete the project as soon as possible.

Mr. Newberry suggested rather than having the applicant return for approval of the permanent surface, approval can be given for the parking lot expansion with the contingency that the aggregate base will be installed now and the permanent paving later, providing the parking lot layout meets the guidelines of the Code.

Councilman Pelunis agreed with Mr. Newberry but would like the applicant's commitment to completing the permanent construction within a specific time frame.

Mr. Frankland said the plan has not yet been reviewed by the Engineering Department with regard to the permanent surface and a striping plan. However, the Commission can approve the plan for both the temporary surface and the permanent surface providing it is contingent upon compliance with the City Code requirements.

Mr. DiSante said they will agree to the contingencies.

Mrs. Welch said no issues are anticipated and the Engineering Department is already discussing storm water management with the applicant. In addition, any issues would be completely reviewed before a building permit was approved.

Motion by Mr. Bentley, seconded by Mr. Newberry to approve the parking lot material variance contingent upon compliance with all Code requirements and completion by June 15, 2014.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Bentley to approve a (temporary) variance to not install curbing with the contingency that it will be completed by June 15, 2014.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve the site plan for temporary gravel parking contingent upon approval by the necessary City Departments and with all City Code requirements.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

6. 38115 Kerrington Way – Dinallo & Wittrup 009-2014 3  
▪ Not parallel to the street variance

Mr. Rick Dinallo, Dinallo & Wittrup, was present. He displayed a plan of the property and said this request is due to the curvature of the road creating the need for a variance in order to have the home more parallel to the left and rear property line. Mr. Dinallo indicated the proposed location of the house outlined in black. He indicated the red outlined area which would be the approximate location of the home if using the Code requirements. Mr. Dinallo believes the house will be situated more appropriately on the property with the variance.

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve a not parallel to the street variance.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

7. 37535 Delamere Court – Ryan Novak 010-2014 3  
▪ 1' minimum fence height variance

Mr. Ryan Novak was present. He explained there is a very long fence located in his back yard which also encompasses a cliff that has been there since the home was built in 1997. Mr. Novak displayed a plan indicating the area encompassed by the fence. He said the fence was installed in accordance with the City's Code, at that time, which was 4' in height. However, he would like to install a swimming pool on the property in the middle of the yard which would not disturb the fence.

Mr. Mazur asked if the required 5' fence could only be installed around the pool and not the entire yard.

Mr. Novak displayed a plan indicating the proposed location of the pool and where areas would be in close proximity to the current fence. He said if a 5' fence was installed around the pool, he approximated that the two fences would only be 6' apart and he believes this would not be aesthetically pleasing.

Mr. Mazur said it might be possible to extend a new 5' fence over to meet the current 4' fence. He feels it is a safety issue and the Code requires a 5' fence around a pool. Mr. Mazur said the Commission has never approved a new pool without a 5' fence.

Mr. Novak said there are many pools in Chagrin Highlands without a 5' fence.

Mr. Mazur said those fences may have been installed prior to the Code change in 2005.

Mr. Novak said he purchased the home in 2004 and the 4' fence already existed.

Councilman Pelunis asked Mr. Stolarsky if cost and appearance are considerations under the Duncan vs. Middlefield application for variances.

Mr. Stolarsky said cost and appearance are not considered practical difficulties when granting a variance.

Mr. Bentley said the Code requirement of 5' for a fence around a pool is for safety reasons and he would find it difficult to support the variance.

Mr. Novak said as an insurance agent, he understands the safety issues. However, if safety is the issue, then he questioned the number of pools in his development with no fencing.

Mr. Mazur said zoning violations would be administered to those without fences.

The Commission briefly discussed Mr. Novak's concern and there was no recollection of a variance granted for less than a 5' fence around a new pool.

Mr. Frankland said the Zoning Inspector is currently addressing a violation for no fence surrounding a pool in Chagrin Highlands.

Mr. Novak asked if every house in his development that has a pool has a 5' fence. Mr. Newberry said he cannot answer that as he does not know what was built without a variance, however, he said a variance has never been approved to grant a fence less than 5' high around a pool in Chagrin Highlands.

Mr. Mazur again advised a fence could have been installed before 2005 before the Code changed.

Councilman Pelunis said a fence could also have been installed without a permit.



Motion by Mr. Bentley, seconded by Mr. Newberry to approve a 1' minimum fence height variance.

Roll Call: Aye: None

Nay: Bentley, Mazur, Newberry, Pelunis

Motion Failed

Mr. Novak was advised of his right to appeal to the Council. Mrs. McConoughey explained the procedure.

8. 31460 Crabtree Lane – Jami & Jonathan Schaefer 011-2014 5
- 10.2' minimum side yard setback variance
  - 10.2' minimum cumulative side yard setback variance

Mr. & Mrs. Schaefer were present.

Mr. Frankland advised variances were previously granted by the Planning Commission for an addition that will not be pursued. They are still in effect and he recommended the variances be withdrawn.

Mr. Newberry asked that the new application be considered before the prior approvals are withdrawn.

Mr. & Mrs. Schaefer requested the withdrawal of the previously approved variances.

A drawing of the proposed second floor addition, third car garage and mud room was displayed. Mrs. Schaefer said although the windows may be different, the structure will remain the same and the variances are necessary for the addition of the third car garage and the mud room on the left side of the house.

Mr. Mazur questioned if the addition will be set back further than the previous approval. He noted a neighbor questioned if the addition will impede on the back of their property in regard to tree removal.

Mr. & Mrs. Schaefer said no, nothing will be added to the back of the house.

Councilman Pelunis said an email was received from a neighbor and asked Mr. Stolarsky to explain his reply.

Mr. Stolarsky explained the neighbors were concerned that the application was for a rear addition. Mr. Stolarsky clarified to the neighbor that the application is for a side yard setback variance.

Mr. Newberry noted the prior approval did include a rear yard setback variance.

Mr. Schaefer advised the new plan is necessary because when the survey was completed, it was determined there was not enough property to support the previous plan.

Councilman Pelunis and Mr. Bentley agreed the new plan is aesthetically pleasing.

Motion by Mr. Newberry, seconded by Mr. Bentley to rescind variances for 31460 Crabtree Lane approved in June, 2013.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Councilman Pelunis to approve the 10.2' minimum side yard setback variance.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 10.2' minimum cumulative side yard setback variance.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

9. 38600 Bainbridge Road – Sprint (lessee)/First Energy 012-2014 3  
(tower owner)  
▪ Site plan for new equipment

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing on February 25, 2014.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

10. 7135 SOM Center Road – Sprint (lessee)/First Energy 013-2014 2  
(tower owner)  
▪ Site plan for new equipment

Motion by Mr. Newberry, seconded by Mr. Bentley to schedule a public hearing on February 25, 2014.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

#### COUNCIL REFERRAL:

11. Proposed Zoning Code amendment – Comprehensive 108-2013  
Revision of Permitted Uses – (While the Planning Commission is scheduled to focus the discussion at this meeting on the following areas of the proposed amendment, the public may comment upon any portion of the proposed amendment during the Public Hearing)
- a. Introduction of amendment by Planning Director
  - b. Review of residential portion

Councilman Pelunis said the proposed zoning code amendments are posted on the website. He explained Mr. Frankland will provide an introduction to the amendment with questions from the Planning Commission and audience. He noted the public

hearing will be held open at subsequent meetings. Councilman Pelunis advised although the residential portion will be discussed, comments may be made on any part of the code.

Mr. Frankland explained this is a permitted use ordinance affecting every zoning district in the city and is the first comprehensive review and update since implementation of zoning in 1938. Therefore, review will be extensive and the public hearing will be ongoing. Mr. Frankland said many permitted uses are outdated, contradictory, legally unenforceable or not in the city's best interest. He used the examples that hotels are permitted in apartment zoning, outdoor fuel storage is permitted in some of the commercial areas and there are no prohibitions against pawn shops, tattoo parlors and head shops. He believes the review is warranted, however, will be lengthy. The amendment is a starting point to commence discussion and will evolve over time based on comments from the public, the Planning Commission and the Council. He believes the ordinance will reflect the majority of the needs of residents and how they are affected by it. He hopes the residents will feel comfortable after the review to support the amendment in the November election.

Mr. Frankland said as discussed with the Commission, review will commence as follows: single family residential zoning districts, two-family districts and multi-family districts, office and commercial districts and industrial districts. Mr. Frankland said each will be discussed at different meetings.

Uses being discussed this evening include principal, accessory, and prohibited uses. He explained examples of an accessory use are a storage building, a swimming pool, greenhouse or fence and are only permitted on a property with an existing home. He explained prohibited uses are supplementary to principal and accessory uses and noted prohibited uses are not permitted in the city.

#### A. Principal Uses:

Mr. Frankland reviewed single family zoning districts and noted 75% of the land in the city is zoned single family zoning. He indicated that the districts include R-1-A, R-1-B, R-1-C and R-1-D. The differences among residential districts are lot size and setbacks, however, uses are the same for each district.

Councilman Pelunis advised the goals of the update are to evaluate and update all existing uses and remove/clarify any that are problematic, to establish a standardized format for the listing of permitted accessories and prohibit uses throughout the zoning code and add use categories typically included in a modern zoning ordinance.

Mr. Frankland displayed the amendment. He explained black letters represent existing wording, strike-outs will be removed and/or amended and red letters represent new wording. He noted some points are struck through and were reworded for consistency purposes.

Agriculture and non-commercial greenhouses, nursery or truck gardening was removed as a principal use and will now be an accessory to a residence. He said for example, it will prevent a lot in a subdivision from being fenced off and used for agriculture or animal husbandry. He noted accessory uses are outlined in another section of the code.

Mr. Bentley asked if a use proposed to be removed is current on a property, will the use be grandfathered. Mr. Frankland said that is correct, however, he does not believe a property exists that would need to be grandfathered. Mr. Frankland said if it pre-exists, it is grandfathered. The only disadvantage to a grandfathered use is if it is voluntarily discontinued for a period of six months or more, then the underlying zoning classification requirements take effect.

Mr. Frankland said churches will be expanded to be inclusive of other places of worship. Federal, state and local government buildings and uses were added. He noted federal and state uses supersede local zoning.

In regard to golf courses, Mr. Bentley questioned why R-1-A indicates commercial driving ranges, miniature golf and similar commercial enterprises are "excluded" when the other residential districts "prohibit" these uses. Mr. Frankland said the wording should be consistent. Therefore, the Commission determined the word "excluding" will be used.

Mr. Mazur asked why a golf course would be considered in a residential district such as where the ABC streets are located. Mr. Frankland said although it is not realistic that it could happen, a developer could purchase houses, demolish them and make a profit with a golf course. He noted the zoning code is for the future as well and there could be the potential for a golf course in the future.

Mr. Mazur asked if federal, state and local government buildings include schools and playgrounds. Mr. Frankland said that is correct.

Mr. Frankland said the addition of "any use that is determined by the City of Solon to be substantially similar to any of the above listed uses" is a legal concept and provides consistency of districts.

#### B. Accessory Uses:

Mr. Frankland read the accessory uses section and said the proposed amendments do not impact the accessory uses. He listed the accessory uses that are permitted as written in Section 1287.06 of the zoning code. He advised that this is the section of the code that explicitly permits horses, mules and ponies and is unaffected by the proposed amendments.

In response to Mr. Bentley's question, Mr. Frankland clarified if there is a residence on the property and horses are kept, that situation is unaffected by the proposed amendments.

Mr. Mazur questioned if community gardens are prohibited. Mr. Frankland said this topic will be discussed when agriculture is discussed.

C. Prohibited Uses:

Mr. Frankland read the section and noted prohibited uses are not an all-inclusive list of what is prohibited in a residential area. Rather, it places uses that are conveniently located for organizational purposes.

Item 1 emphasizes that commercial activity is not permitted in residential areas except as otherwise permitted as an ordinance. The exception includes home occupations subject to certain conditions. He said this section aids the prosecutor and zoning inspector to address commercial activity not in compliance with the code.

Item 3 is necessary to assist the prosecutor and zoning inspector to correct violations. Mr. Frankland again noted, such topics are in the code, however, he has added to each individual zoning classification for consistency and organization.

Item 4 was added as a legality.

Mr. Frankland reviewed the current status of Item 3, agriculture regulations. Although there is a moratorium in effect until November, agriculture is a permitted use in the code. He said agriculture is a very broad term under the Ohio Revised Code and refers to cultivating land, animal husbandry (keeping, breeding, selling large animals) and is not typical in a city. Mr. Frankland listed the animals permitted in the City under current ordinances including in all single family districts. As examples of sections that are outdated, he referred to Section 628.16 (c) stating no person shall permit such animals to run at large upon any unenclosed lands other than those occupied by the owner, Section 618.05(a)(4) stating no person shall keep such animals in an enclosure without wholesome exercise and 618.05(a)(5) stating no person shall detain livestock in a railroad car longer than 28 hours without food or water.

Mr. Frankland said the agricultural amendments follow three general concepts: cultivating of land will not be regulated, prohibition of large animals and limiting the number of small animals. Mr. Frankland said discussion and feedback will be necessary to determine the permissive level of agricultural animals with minimum acreage requirements.

Mr. Frankland read Item 2 regarding agricultural animals. He emphasized that although horses are included in the sentence prohibiting large animals, the ensuing verbiage "unless otherwise explicitly permitted within this ordinance" is included to permit horses and is written in Section 1287.06(1)(g), explicitly permitting horses.

In regard to Item 2, Mr. Bentley questioned why the amendment only allows two small agricultural animals, Mr. Frankland indicated it is a starting point for discussion.

Councilman Pedicino commended Mr. Frankland for clarification and explanation of the proposed amendments. He advised the public to call or email Council representatives with comments.

Mr. Frankland said it is important for the public to contact Planning Commission members and the Council to state their views as he will format the ordinance from such comments.

Councilman Pelunis opened the public hearing and asked for comments.

Mr. and Mrs. Rich and Linde Collingwood, 5165 Brainard Road, were present. Mrs. Collingwood explained in 2012, they started a small market garden at their residence called Collingwood Farm. She said as part of the process, they submitted a business proposal to the Planning Department to grow fruit and vegetables for production and sale through community supported agriculture. She said they proposed chickens for egg sales and goats to control poison ivy. Mrs. Collingwood understands that they would be grandfathered, however, asked since they do not have goats at this time and it was proposed by them in 2012, could they still have goats.

Mr. Frankland said the ordinance is preliminary and does not prohibit goats now, however, if the ordinance prohibits goats and the Collingworths did not have any, she would not be grandfathered. He said she could only be grandfathered if they had goats now.

Mrs. Collingwood said they had 18 chickens in the fall and lost some of them. She asked if they could be replaced. Mr. Frankland said the use can be continued unless voluntarily discontinued for a period of six months or more. Mr. Frankland believes they could be replaced within the six month time period. Mr. Stolarsky agreed.

Mrs. Collingwood asked if a resident wanted to start a garden market, would it be considered an accessory use. Mr. Frankland said it would be fine, however, he would like to strengthen that use to permit cultivating as a permitted use.

Mrs. Collingwood asked for clarification regarding horses, mules and ponies. She asked the difference between a mule and a goat in the proposed ordinance.

Mr. Frankland advised it can be difficult when trying to differentiate between similar animals and said he wrote the ordinance for legal purposes for the city. Mr. Frankland said more discussion is necessary and although there is a height restriction in the ordinance, it could be amended.

In answer to Mrs. Collingwood's question to remove the height restriction and use acreage, Mr. Frankland said it would be determined by the Planning Commission and Council.

Councilman Pelunis said the Planning Commission will make a recommendation to the Council based on input from the residents. The Council will have additional public hearings and obtain input from the law department and planning director before making a decision.

Mrs. Collingwood said she received information from the Case Western Law Department with a contact name for the Commission to review. Councilman Pelunis asked Mrs. Collingwood to provide copies to the Clerk and Mr. Frankland.

Mrs. Collingwood said in regard to chickens, a reputable dealer will not sell less than six chickens at a time and two chickens will not provide enough eggs to her family. She recommended no more than six chickens per acre for the ordinance. She advised she has 2.7 acres and displayed pictures of their farm.

Mr. Collingwood said building appropriate accommodations for their chickens was not a great task. He noted, the code states it is unlawful to sell chickens in the City of Solon in any lots less than six. He said it must have been deemed appropriate in the past for selling groups of chickens.

Mr. Collingwood said if the Commission needs further information, they have participated in local market gardening courses through the Ohio State Extension Office and are familiar with local urban farmers and the people who train them. Mrs. Collingwood said the extension office is involved in urban agricultural zoning.

Mr. Collingwood said he appreciates Mr. Frankland's explanation. In regard to allowances, he suggested language be appropriate to lot sizes. He said market gardening could be a modernized term for agricultural practices on a small scale that sells to a local market or neighbors. Mr. Collingwood said in regard to agricultural animals, he does not see lot sizing unreasonable. Mr. Collingwood questioned if there is a need for a height restriction.

Mr. Collingwood questioned the removal of prohibition of overnight parking in driveways. Mr. Frankland indicated banning overnight parking in driveways is considered unreasonable today. Mr. Collingwood agreed and believes the same argument translates to certain agricultural practices. He questioned if unenforceable rules are being replaced with other unenforceable rules.

Ms. Melody Tilocco, 5135 Brainard Road, said when she purchased her property, it was covered with poison ivy. She said the property would not be clear of poison ivy today without goats. She noted her neighbors appreciate the goats on their property. Ms. Tilocco explained she had goats that were very noisy, therefore, she sold them. However, she believes it is unnecessary to limit goats by size or breed and does not appreciate the government telling her how to use her land. She said if she cannot have certain animals on her three acre property, she may have to consider moving.

Mr. Mark Hawald, 5319 Brainard Road, said he and his wife were attracted to the concept of "country in the city." Mr. Hawald believes more young people will be

attracted to the City if flexibility is maintained. He believes going green is a trend in the country as well as socially responsible and good for the environment. Mr. Hawald suggested that roosters be excluded. He suggested three to four feet per chicken for a hen house and to have a place for them to roam outdoors. He suggested rules based on location.

Ms. Christine Mladineo, 5305 Brainard Road, said although she does not have agricultural animals, her neighbors do and she and her family have always enjoyed them. She also appreciates the farm market run by the Collingwoods.

Mr. Mark Yax, 36755 Pettibone Road, believes those with acreage should be allowed consideration to keep animals. He questioned if he will be allowed to use the additional property he owns for agricultural purposes in the future when he retires. He prefers not to have to sell his property and move to a rural community to take part in agricultural activities and would like the option in the future in Solon.

Mr. Yax questioned if certain requirements such as height may discourage the sale of large parcels of property which could ultimately be purchased for development. He believes if someone has the acreage, they should not be limited to the number of animals. Mr. Yax believes the city should consider preserving part of its past.

Ms. Sue Effron, 5828 Briarwood Lane, said she has bees and chickens on her property. She believes the diversity of rural and urban in the City merits diversity with regulations. She supports current regulations and believes the City should be cautious with changing regulations. She said this is an era of green and she would not want the city to lose the opportunity to be on the cutting edge of what the next generation is coming forward to do.

Ms. Jan Lewandowski, 5180 Brainard Road, said she was present as a show of support for her neighbors. She believes those people who are knowledgeable of agricultural issues are valuable.

Ms. Nikiia Robinson, 35805 Aurora Road, said she owns one acre and has considered growing her own food and keeping chickens for her family's health. She wants to ensure it will be an option in the future as it is now for her neighbors currently engaging in agricultural practices.

Councilman Pelunis advised the public hearing will remain open and will continue at the next meeting to discuss two-family, multi-family and golf course community districts. He advised, however, residents may speak regarding any section of the zoning code amendments.

Councilman Pelunis finds the input received this evening very valuable and educational. He said more input and participation is welcome and information from residents can be forwarded to the Clerk of Council for distribution.

Mr. Newberry found the discussion to be very educational and looks forward to more discussion. Mr. Newberry believes the limit to two animals may not be



appropriate. He would like to hear from experts such as university professors or state/federal government entities.

Councilman Pelunis agreed and said the materials provided this evening may also be helpful.

Mr. Newberry said an objective is necessary that can be explained to the Council and the residents, should it later be challenged.

Councilman Pelunis thanked the residents for their input and participation.

COMMENTS FROM THE COMMISSION:

Mr. Mazur suggested the zoning code amendments be submitted to the electorate in separate submissions such as residential, commercial, industrial and office or by combining certain sections. He thanked the residents that participated and for their submitted information.

Mr. Bentley thanked the residents for their participation. He advised residents to speak with each other regarding the proposed zoning amendments.

Councilman Pelunis wants to ensure everyone has the opportunity to speak regarding public issues. He believes the Commission needs all information available to make a recommendation to the Council. He agreed with Mr. Newberry's idea to contact experts for guidance and suggestions. Councilman Pelunis recommended residents forward information or comments to the Commission via email or to attend the next meeting.

Mr. Frankland and Mr. Stolarsky agreed the discussion this evening was very informative.

Mr. Stolarsky explained the Commission is a recommending body and that the Council will have several discussions, however, the proposed amendments will be decided by a vote of the people.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 9:41 P.M.

Roll Call: Aye: Bentley, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

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Chairman

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Secretary