

## MINUTES

### MEETING VIA ZOOM

Orange Village Planning & Zoning Commission  
Architectural Board of Review  
Tuesday, March 1, 2022 – 6:30 pm

Mayor Mulcahy, Chairperson called the meeting to order at 6:30pm

Members Present via Zoom: Anthony Lazar, Kathy Moran, Scott Lewis, April Skurka, Brian Hitt,  
Jud Kline, Mayor Kathy Mulcahy

Members Absent:

Others Present via Zoom: Steve Byron, Law Director  
Robert McLaughlin, Chief Building Official  
Robert Brown, Village Planner  
Staci Vincent, Councilwoman (arrived @ 6:35pm)  
Karen Morocco, PZ/ABR Secretary

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#1

#### 4009 ORANGE PLACE – DETERMINATION OF SIMILAR USE

Present Via Zoom: Jordan Berns, Berns, Okner & Greenberger

#### PZ Discussion:

The owner proposed that the Planning Commission's recommendation regarding the similar use determination requested include, for purposes of clarification, a modification to the use requested as follows: "Interior design offices, showrooms for the display of furnishings available for sale (with no pick-up or delivery on site), a rooftop full-service restaurant, or full-service or wine bar, and ancillary offices and storage space." The conclusion of Mr. Robert Brown, Village Planner, is: 'Considering the facts presented regarding the proposed RH Cleveland development and the regulations of the subject PM-UD zoning district, it is concluded that all of the proposed uses are permitted either as specifically listed Permitted Uses or as similar uses.' The Mayor stated she is advocating for this to be done and Mr. Jud Kline said it's a unique concept and a wonderful identity for the community. Mr. Jordan Berns stated it is harmonious and compatible with other uses in the district, it fits nicely. Everyone was unmuted and no one objected. Mr. Steve Byron will prepare a final order, the conclusions of fact for Council to consider based on the Board's vote.

A Motion was made to recommend to Council that they approve a similar use determination for RH Mansion with findings of uses proposed are similar uses in the district was made by Mayor Mulcahy; Seconded by Mr. Brian Hitt.

Ayes: Lazar, Lewis, Hitt, Kline, Mayor Mulcahy  
No: None

The Motion was approved 5 to 0.

## REVIEW OF SIMILAR USE REQUEST FOR “RH CLEVELAND” DEVELOPMENT

by Robert N Brown, FAICP, Orange Village Consulting Planner ~ 2/17/22

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**PROPOSED USE:** Interior design offices, showrooms for the display of furnishings, a rooftop full-service restaurant, or full-service or wine bar, and ancillary offices and storage space

**ZONING DISTRICT:** Planned Mixed-Use Development District (PM-UD)/ Chapter 1173

**LOCATION:** 4009 Orange Place, Orange Village, Ohio

**INTENT OF PM-UD DISTRICT:** The intent of the PM-UD District is not to limit the variety of potential uses in the development, but to insure that only uses of a compatible and mutually supportive nature are included, at sufficient density, and with sufficient architectural landscape design conformity to achieve the overall benefits of mixed-use development.

### **PERMITTED MAIN USES IN PM-UD DISTRICT:**

- (1) Office buildings and offices including business, financial, professional, governmental, public utility, executive and administrative.
- (2) Hotels and motels subject, however, to the restrictions contained in Section [1173.04\(a\)](#). Notwithstanding any other provision of this Zoning Code, hotels and motels in the PM-UD District shall be permitted to have microwave ovens in the guest rooms of the hotel or motel.
- (3) Full-service restaurants.
- (4) Banks and other financial services.
- (5) Park land use which shall be the designated use within the PM-UD District until such time as a request is made and approved for another permitted main use.
- (6) *Other uses similar to those enumerated above as determined by the Planning and Zoning Commission and confirmed by Council.*

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The proposed “RH” development represents a relatively new business concept, which combines an interior design office, showrooms for display of furnishings, a full-service restaurant, and ancillary offices and storage space.

The subject Zoning District -- Planned Mixed-Use Development District (PM-UD) -- specifically permits the *office* and *restaurant* uses proposed in the RH development project.

With respect to the proposed showroom for furniture and furnishings, it is pertinent to note that Orange’s U-6 Office Building District lists “*showrooms*” as a *Permitted Office District Use*, in division 1159.02(b). Showrooms, therefore, are a use considered in the code to be compatible with office use.

It is understood that a “retail store” is not a permitted use in the subject PM-UD District. *The proposed RH development does not fit the common understanding of the nature of a retail store, in which merchandise is available for “immediate purchase and removal from the premises by the purchaser.”*

*A Planner’s Dictionary*,” published by the American Planning Association (2004), presents the following sample definition of a *retail sales establishment*: “a commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.”

The preliminary site plan and architectural elevation drawings for the proposed RH project demonstrate that it is a unified large-scale development, characterized by high-quality building and site design. In this respect, the development meets the stated Intent of the PM-UD:

*“not to limit the variety of potential uses in the development, but to insure that only uses of a compatible and mutually supportive nature are included, at sufficient density, and with sufficient architectural landscape design conformity to achieve the overall benefits of mixed-use development.”*

**CONCLUSION.** Considering the facts presented above regarding the proposed RH Cleveland development and the regulations of the subject PM-UD zoning district, it is concluded that all of the proposed uses are permitted either as specifically listed Permitted Uses or as similar uses.

**Present via Zoom:**

Dan Pierce, NORR  
Anthony Ricciuti, NORR  
Nadia Kulczcky, RH  
Jordan Berns, Berns Ockner & Greenberger

**PZ/ABR Discussion:**

The project building is roughly a 49,650 square foot, three story building with many furniture galleries, an interior design department, offices and a rooftop restaurant or full-service or wine bar, and ancillary offices and storage space. It will be located at 4009 Orange Place and will be replacing Slyman's Tavern next to Pinecrest. It will display high-end furniture and fixtures. There are many RH galleries in the United States, including a design gallery in Columbus Ohio. Level one: 22,850 square feet. Level two: 15,150 square feet. Level three: 11,650 square feet. Some of the materials being used are: granite, bluestone pavers, metal sliding gate, and conservatory glass skylight with bi-fold steel doors. The materials used for enclosures are the same materials used for the building. The preliminary site plan submitted meets all setback and parking requirements. A final site plan will need to be submitted to the Village Engineer for final approval. There will be two (2) loading zones. All deliveries will be off hours, excluding emergency deliveries. There will be one way signs for deliveries. The main primary entrance is on the South side. There is a second entrance on the North side. Employees will use the side entrance. The applicant will need to return to the March 15<sup>th</sup> PZ/ABR meeting for preliminary landscape approval. Mr. Jud Kline said the main South entrance should have a drop off ramp for universal accessibility. Mr. Dan Pierce said it's a great idea. Mr. Kline also stated RH is a wonderful addition to the community. He looks forward to its arrival. He thanked the team for putting it together. Mr. Kline said it will be a beautiful structure; a gateway to Orange Village.

A Joint Motion was made to approve the new building at 4009 Orange Place, RH Cleveland subject to the following conditions:

- Council to make the determination of similar use
- Signage not included in this approval
- Recommendation to include an access ramp on the South entrance for easy drop off
- The site would be conditionally approved with the following notations:
  - o Temporary signage to be included to indicate the loading zones and where those occur there would be one way traffic during times of operation of the loading activity and addressed through policy and management.
  - o Deliveries be restricted to non-business hours
- Final site plan to be approved by the Village Engineer subject to administrative approval
- Landscape design to come before the PZ/ABR Board to include patio walls and retaining walls design.
- The retaining walls are currently not included in the approval

was made by Mr. Jud Kline; Seconded by Ms. Kathy Moran.

Ayes: Lazar, Moran, Skurka, Lewis, Hitt, Kline, Mayor Mulcahy  
No: None

The Joint Motion was approved 7 to 0.

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**#5**

**CHIEF BUILDING OFFICIAL'S REPORT**

- Items on the March 15, 2022 PZ/ABR meeting:
  - 3940 Beechmont Trail – Screened Porch
  - Lakes of Orange – Two (2) new houses
- RH Cleveland – Preliminary landscape plan

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**#6**

**ANY OTHER TOPIC FOR DISCUSSION**

- Mayor Mulcahy will not be attending the March 15<sup>th</sup> PZ/ABR meeting
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#7

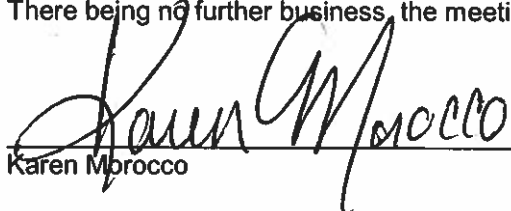
**MINUTES FROM FEBRUARY 15th, 2021 TO BE APPROVED**


A Motion to approve the minutes of the February 15, 2022 meeting was made by Mr. Brian Hitt; Seconded by Mr. Jud Kline.

Ayes: Lazar, Moran, Skurka, Lewis, Hitt, Kline, Mayor Mulcahy  
Abstain: None  
No: None

The Motion was approved 7 to 0.

There being no further business, the meeting was adjourned at 8:03 pm

  
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Karen Morocco

  
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Date