

1st reading _____
P&Z Rec _____
2nd reading _____
3rd reading _____
Voted on _____
Ayes: _____ Nays: _____
PASSED _____ DEFEATED _____

**ORDINANCE NO. 2023-16
(AS AMENDED)**

**AN ORDINANCE
ENACTING THE ORANGE PLACE SOUTH PLANNED
DEVELOPMENT DISTRICT (OPS-PDD) REGULATIONS AND
REZONING CERTAIN PARCELS OF LAND TO THE OPS-
PDD, AMENDING THE VILLAGE ZONING MAP AND MAP
DESIGNATIONS, SUBMITTING THE PROPOSED ZONING
CHANGES TO THE VOTERS OF ORANGE VILLAGE, AND
DECLARING AN EMERGENCY.**

WHEREAS, an application has been presented to Orange Village to rezone certain property to permit a mix of residential and commercial uses; and

WHEREAS, the Village has engaged Mark Majewski to study the proposal and recommend regulations that would permit the proposed uses in a manner that provides significant protections to neighboring properties from potential adverse impacts of such use; and

WHEREAS, this Council desires to enact such regulations in the event there will be a development in the location where the development has been proposed; and

WHEREAS, the amendment hereinafter provided, transfers the property herein described to an Orange Place South Planned Development District ("OPS-PDD") zoning classification, and said amendment has been submitted to the Orange Village Planning and Zoning Commission for its review and recommendation; and

WHEREAS, this Council has amended the application in order to rezone all of the necessary land to create the logical boundaries of the proposed OPS-PDD; and

WHEREAS, the Planning and Zoning Commission of the Village has considered such amendment and proposed changes to the zoning map and has filed its recommendation thereon with this Council; and

WHEREAS, notice has been given and a public hearing held in connection with the change of the reclassification of the zoning of the hereinafter described property, as required by the Charter and Ordinances of Orange Village; and

WHEREAS, in considering the interest of the general welfare of the Village and in order to promote the general advantages of public peace, safety, morals, convenience, and prosperity of the residents of Orange Village, this Council is of the opinion that the subject property hereinafter defined should be classified in the Orange Place South Planned Development District; and

WHEREAS, this Council desires to submit the question of the rezoning of the property into the newly established Orange Place South Planned Development District at an election to be held at the time of the Presidential Primary election, to wit: March 19, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That existing Title Seven, Special Districts, is hereby amended by the enactment of Chapter 1174, Orange Place South Planned Development District, appended hereto as "Exhibit A," subject to the approval of the electors as provided herein.

SECTION 2. That the following property (the "Property")

(See "Exhibit B" attached hereto and incorporated herein by reference, which is the legal description of the Property, and "Exhibit C" hereto, which graphically depicts the location of the Property. "Exhibit D", "Exhibit E" and "Exhibit F" are the legal descriptions of Sub-District 1, Sub-District 2 and Sub-District 3, which are graphically depicted in "Exhibit A-1")

which is composed of approximately 45.6535 acres is hereby designated as Class OPS-PDD, the "Orange Place South Planned Development District" zoning classification, with the designated Sub-Districts, as described and depicted, and shall be so marked on the Orange Village Zoning map by the Clerk of Council and the Village Engineer, who are hereby instructed to amend the official zoning map of the Village in accordance with the provisions of this Ordinance upon the effective date of this Ordinance, as hereinafter provided.

SECTION 3. That the Clerk of Council is hereby authorized and directed to cause a copy of this Ordinance to be certified to the Board of Elections for Cuyahoga County, which is requested to conduct an election on this issue to be held at the primary election on Tuesday, March 19, 2024. The certification of the Ordinance shall occur no fewer than ninety (90) days prior to March 19, 2024, so that the same may be placed on the ballot and submitted to the electors of Orange Village in the manner required by law.

SECTION 4. That should a majority of the electors of Orange Village voting on said issue approve the subject district regulations and rezoning as provided for herein, the Clerk of Council and the Village Engineer are hereby instructed to amend the official zoning map of the Village which is hereby amended in applicable part, and all previous zoning of the subject property be and is hereby repealed. The effective date of this Section shall be as provided in Section 6 hereof.

SECTION 5. That the actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 105 of the Code of Ordinances of Orange Village.

SECTION 6. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of Orange Village and, further, for the reason that in order for this matter to be timely placed upon the March 19, 2024, presidential primary election ballot, the authorization of the Clerk to certify this Ordinance to the Board of Elections must be effective immediately upon its passage and approval by the Mayor; provided, however, the balance of this Ordinance shall be effective only upon its approval by a majority of the electors of Orange Village voting on said issue and certification of the results of said election by the Cuyahoga County Board of Elections.

PASSED: December 6, 2023

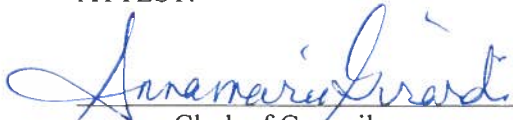

Council President

Submitted to the Mayor for approval

on this 6th day of DECEMBER, 2023

Approved by the Mayor this
6th day of December, 2023

ATTEST:


Clerk of Council


Mayor

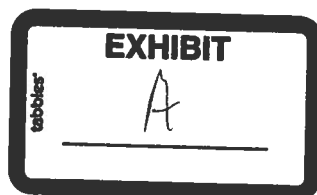
CHAPTER 1174
Orange Place South - Planned Development District (OPS-PDD)

- 1174.01 Intent.
- 1174.02 Establishment of Orange Place South Planned Development District (OPS-PDD) and Subdistricts.
- 1174.03 Development plan approval process; preliminary and final development plans.
- 1174.04 Definitions.
- 1174.05 Use regulations.
- 1174.06 Specific Development standards
- 1174.07 Parking facilities.
- 1174.08 Signs.
- 1174.09 Land planning/site development principles and criteria.
- 1174.10 Commercial building design standards and guidelines.
- 1174.11 Residential building design standards and guidelines.
- 1174.12 Conflict.

1174.01 Intent.

The intent of the Orange Place South Planned Development District (OPS-PDD) is to foster a unified development that permits specific uses and includes related development standards that:

- (a) Encourage skillful planning by allowing flexibility in the type and placement of buildings while promoting coordinated architectural design within a unified development area.
- (b) Encourage a mixture of complementary land uses that includes housing, retail, offices, and commercial services, and to promote community and create economic vitality.
- (c) Utilize topographic and landscape features in addition to careful locations and orientations of uses and buildings to enhance the development and to protect adjacent residential neighborhoods.
- (d) Provide flexibility in the siting and design of the development and subsequent redevelopment to anticipate changes in the marketplace.
- (e) Establish design criteria for the new developments that are aesthetically pleasing and foster pedestrian movement among the facilities in the development and to and from the adjacent areas.
- (f) Promote a high level of landscaping to:
 - (1) Buffer and protect adjacent uses;
 - (2) Maximize the existing and intended community characteristics along existing roads, which are distributed throughout the district; and
 - (3) Foster high quality and sustainable design principles and a sense of openness to the maximum extent practicable.
- (g) Control vehicular circulation and access to existing roads to minimize congestion and increase safety, to the extent practicable.



1174.02 Establishment of Orange Place South Planned Development District (OPS-PDD) and Subdistricts

The Orange Place South Planned Development District (OPS-PDD) and the provisions of this Chapter are established with three (3) Sub-Districts to meet the Village's objective of creating a high-quality business and senior housing development and to reflect the different uses and development standards that apply to each of the Sub-Districts.

- (a) The Orange Place South Planned Development District (OPS-PDD) will hereafter be referred to as the OPS-PDD.
- (b) The boundaries of the Orange Place South Planned Development District (OPS-PDD) and its Subdistricts shall be indicated on the official Orange Village Zoning Map with the symbol OPS-PDD and each of the Sub-Districts as designated below:
 - (1) SD-1 Commercial Subdistrict
 - (2) SD-2 Senior Living Subdistrict
 - (3) SD-3 Senior Single/Attached Residential Subdistrict
- (c) The conceptual development plan approved for the OPS-PDD District is "Exhibit A-1" appended to this Chapter.

1174.03 Development plan approval process: preliminary and final development plans.

Use or development of property in the OPS-PDD Zoning District shall comply with all requirements of the Orange Village Zoning Code and Village Charter and shall be subject to an approved Preliminary Development Plan, to an approved Final Development Plan, and to all other applicable provisions of this Chapter 1174:

- (a) Preliminary Development Plan (PDP)
 - (1) PDP Required. Prior to use or development of property in the OPS-PDD Zoning District, the property owner shall submit a Preliminary Development Plan (hereinafter referred to as "PDP") for approval by the Village Planning and Zoning Commission. The PDP shall be consistent with the conceptual development plan shown in Section 1174.02(b), with such changes as may be approved by the Village Planning and Zoning Commission.
- (2) PDP Contents. The application for approval of the PDP shall include:
 - A. The items required in Section 1143.04(a) and (b) of this Zoning Code.
 - B. An illustrative site plan depicting the proposed locations of buildings, parking, and roadways.
 - C. Preliminary building elevations demonstrating the intended character of the development.
 - D. A construction phasing plan which demonstrates that each phase when completed may be viewed as an independent and functional project with respect to such factors as internal circulation, parking, open space, pedestrian circulation, buffering, and relationships with abutting infrastructure.

- E. Any supplemental development documentation, criteria and/or restrictions required by the Planning and Zoning Commission. This may include, but not be limited to: traffic studies demonstrating that ingress and egress to and from the site and on-site circulation are adequate to meet the needs of the development and will not be unreasonably detrimental to the surrounding road system or the Village; a preliminary storm water impact evaluation; and a development agreement between the Village and the applicant covering such matters as the Village shall require.
- (3) PDP Review and Action. The PDP shall be reviewed according to the relevant procedures in Chapter 1143 (*Development Plan Review*) and any specific provisions or requirements of this Chapter 1174.
- (4) Effect of Approved PDP.
 - A. Approval of a PDP shall not authorize the owner to undertake any construction or to establish any use but shall authorize the owner to apply for approval of a Final Development Plan (hereinafter referred to as an “FDP”).
 - B. The approved PDP and any approved development agreements, covenants and restrictions submitted by an applicant shall continue to govern the development and/or redevelopment of property in the OPS-PDD by any successor or assignee of the applicant.
- (5) PDP Amendments - Administrative Amendments:

The Village Planning and Zoning Commission, at the request of the applicant, shall consider and may approve administrative amendment(s) to the PDP pursuant to Chapter 1143 (*Development plan review*) when the revision(s):

 - A. Are consistent with the development standards set forth in this Chapter for each Subdistrict;
 - B. Do not alter the boundaries of a Subdistrict in a manner that increases or decreases the area of the Sub-District by more than 30%;
 - C. Requests to use the property in a Subdistrict for a similar use that is not expressly permitted under this Chapter or any development agreement pertaining to the OPS-PDD;
 - D. Requests permission to exceed the building requirements set forth in Schedule 1174.06(a) (*Building Requirements*).
- (5.1) A proposed administrative amendment that is submitted pursuant to Subsections A, B, C, and D above, or that seeks to develop the property other than as set forth in the PDP, as it may be amended, shall be approved by the Planning and Zoning Commission if it determines that such amendment is compatible with the character of the development and the intent and purposes of the OPS-PDD. In evaluating the amendment, the Planning and Zoning Commission shall consider the following factors:

- A. The extent to which the request deviates from the provisions of this Chapter or the provisions of any applicable development agreement pertaining to the OPS-PDD;
- B. The level of occupancy and the mix of uses in the development at the time of the request;
- C. If a traffic study has been requested by the Planning Commission, does the traffic study show that the traffic impacts can be mitigated with the same traffic control measures as have already been approved for the development or can be ameliorated with other traffic control measures that the Developer is willing and able to implement at the Developer's expense;
- D. Whether the requested amendment is consistent with the demographic target of the uses in the development at the time of such request and other uses proposed for the development; and
- E. Other regional or local trends that may have a bearing on the quality or economics of the development.

With respect to a request pursuant to Subsections D and E above, and at the request of the Planning and Zoning Commission, the applicant shall select at least one person acceptable to the Planning and Zoning Commission with expertise relating to real estate leasing or development to assist the Planning and Zoning Commission in determining whether such amendment is compatible with the character of the development. Assistance shall be provided at the developer's expense.

(6) PDP Amendments - Legislative Amendments:

Village Council, pursuant to Chapter 1144, will consider a legislative amendment to the PDP, with a recommendation from the Planning and Zoning Commission, but not requiring a referendum vote, when the revisions:

- A. Include a use or uses not specifically listed as a permitted main use in Section 1174.05 and the Planning and Zoning Commission has determined the proposed use is not a similar use pursuant to the PDP – Administrative Amendments procedures set forth above, and Village Council, with the Planning and Zoning Commission's recommendation, determines that the proposed use(s) is/are nonetheless consistent with the purposes, intent, and quality characteristics of this Chapter and related covenants, restrictions, and agreements; or
- B. Alter the boundaries of any Sub-District beyond the limitations specified in the PDP – Administrative Amendments procedures set forth above.

(b) Final Development Plan:

No use shall be established or building constructed or altered except pursuant to the approval of an FDP as provided in Chapter 1143 and this Chapter 1174. An FDP shall be in substantial compliance with the approved PDP, as it may be amended, and may be submitted and approved for the entire project area or for portions or phases thereof.

In addition to the contents of the approved PDP, an FDP shall also include:

- (1) The items required in Section 1143.06 of the Zoning Code;
- (2) Documentation and/or illustrations demonstrating compliance with all applicable requirements of this Chapter including but not limited to the following subsections:
- (3) 1174.06 Specific development standards;
- (4) 1174.07 Parking facilities;
- (5) 1174.08 Signs;
- (6) 1174.09 Land planning/site development principles and criteria;
- (7) 1174.10 Commercial building design standards and guidelines; and
- (8) 1174.11 Residential building design standards and guidelines.
- (9) In SD-1 and SD-2 only, Site lighting including the height and location of poles and fixtures, lighting sources and power ratings, the amount of illumination and a photometric study Indicating the light levels at all site locations including the perimeter property lines. Such information shall be provided with sufficient detail so that the Village is assured that the light trespass and glare onto residential properties will be minimized through the use of downlighting, fixture shielding and other strategies and the site lighting will have no adverse impact on surrounding properties.
- (10) Final drainage and detention plan including all water quality and Best Management Practice (BMP) devices, appurtenances, systems, detention/retention basins, permeable pavements, pavement design designations and other engineering calculations as required to determine the adequacy of storm water management for the project and necessary for the protection of adjacent properties from storm water impacts from the development.
- (11) Architectural plans for all proposed buildings demonstrating compliance with the applicable provisions
- (12) Site development plans demonstrating compliance with the applicable provisions

1174.04 Definitions.

For the purposes of this Chapter certain words and phrases shall have the following meanings:

(a) Drive Thru Facility–

- (1) Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. A drive thru facility is an accessory use to a main use and typically includes a driveway or vehicle lane in which customer vehicles queue or stack while waiting for service and customer vehicles are not required to be parked in a parking space to receive service or delivery of goods.
- (2) The term “drive-thru” shall also include the terms “drive-up” and “drive-in” but shall not include the term “in-car service” or “pickup window”.
- (3) “In-car service” means an accessory use providing the delivery of service or goods to persons in a vehicle parked in an approved, designated parking space for that purpose.
- (4) “Pickup window” means a window, located in the wall of a restaurant, used only to deliver carry out food orders to customers who have placed the food orders off-site and in advance by a phone call, app or on-line. A pickup window shall only be

accessory to a restaurant permitted as a principal use. A pickup window shall not be used as a drive-thru facility in which customers queue in their vehicles to place orders on site.

(b) Driveway - Any vehicle access other than a public street or private street as defined in this Chapter.

(c) Dwellings

(1) Flat - A dwelling unit that is all on one floor and in a multistory building with a minimum of six (6) dwelling units

(2) Townhome- A dwelling unit that is structurally attached to another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings and extending from the basement floor to the roof and with each unit having separate ground floor entrances directly to the unit from the outside and attached garages.

(3) Villa - A dwelling unit that may or may not be structurally attached to another, with each unit having separate ground floor entrances directly to the unit from the outside and attached garages.

(4) Senior Independent Living. A community that qualifies for the “55 or Older” Exemption to the Fair Housing Act by satisfying each of the following requirements: (i) At least 80% of the units have at least one occupant who is 55 years of age or older; and (ii) the community publishes and adheres to policies and procedures that demonstrate the intent to operate as 55 or Older housing; and (iii) the community complies with HUD’s regulatory requirements for age verification of residents.

(5) Senior Single Family Detached/Attached Dwellings: Dwellings occupied by households in which at least one (1) person is aged 55 or older. Dwellings may be single freestanding dwelling units or attached in groups of two, three, or four units as approved in a development plan. Maximum unit height thirty-five (35) feet. Maximum two (2) stories. Individual ground floor entrances and attached garages are required.

(d) Entertainment use - An establishment that is open to the general public wherein the activity is to primarily provide entertainment to adult customers or minors accompanied by adults including (without limitation) live performance space, bowling alleys, bocci courts, pickleball, golf simulator machines, and high-end bars specializing in craft beers and/or craft cocktails.

(e) Private Street - A major circulation route to and from the OPS-PDD and traversing through the development that is required for perpetual access as determined by the Planning and Zoning Commission and explicitly designated on the PDP.

(f) Retail Uses

(1) Convenience Retail -Convenience stores (which are commonly referred to in the retail industry as those stores or services meeting the regular daily or weekly needs of the consumer in the immediate surrounding market area) include but are not limited to: drug stores, pharmacies, barber shops and dry-cleaning drop-off (but not

a dry-cleaning plant). For the purposes of this Chapter, restaurants, coffee shops, and similar food service businesses and beauty salons are not considered "convenience stores."

- (2) Designer Store - A retail establishment that sells designer products directly to the public, regardless of whether it uses the word "outlet" in its name.
- (3) General Merchandise Discount Store-A retail establishment that offers a variety of product lines that are stocked in considerable depth and at discount prices.
- (4) Fashion Department Store – A retail establishment greater than 25,000 square feet in floor area specializing primarily in the sale of a wide range of fashion-related products (including but not limited to clothing, jewelry, shoes, cosmetics, and related accessories), without a single predominant merchandise line, and with more than two customer checkout areas scattered throughout the store.
- (5) Outlet Store – A retail establishment that primarily sells “odd lot,” “close out,” “clearance,” “discontinued,” “cancellation,” “factory reject,” “ample,” “overstock,” or “surplus” merchandise.
- (6) Retail Store - An establishment that offers goods or services for sale to the public including, without limitation, a fashion department store, designer store, and convenience store.

(g) Restaurants

- (1) Restaurant: Counter Service - A restaurant whose principal business is the selling and serving of food, beverages and/or desserts and the facility is designed and arranged with the intention of the customer ordering and picking-up the food and/or drink in a ready-to-consume state at a service counter with the consumption of the food occurring either within or off the premise.
- (2) Drive Up Fast Food Restaurant: A restaurant meeting each of the following characteristics: (i) uses trademarks, logo, service mark or other mutually identifying name or symbol that is shared by fifteen or more restaurants; (ii) serves a prescribed menu that is substantially the same as fifteen or more restaurants that shares its trademarks, logo, service marks or other mutually identifying name or symbol; and (iii) has a drive up facility.
- (3) Fast Casual - A style of restaurant that combines elements of quick-service and casual dining. In fast casual dining establishments, customers typically order at a counter and are provided with higher quality food than traditional fast-food restaurants, often with fewer processed ingredients and more customizable options. The ambiance is more upscale than fast-food venues, with an emphasis on a comfortable dining environment, but it doesn't offer full table service like casual dining restaurants. This format allows diners to enjoy a more premium meal in a shorter amount of time and often at a moderate price point. Popular fast casual concepts might include eateries focused on salads, gourmet burgers, artisanal pizzas, and ethnic cuisines.
- (4) Restaurant: Table Service – A restaurant whose principal business is the selling and serving of food, beverages and/or desserts in a ready-to-consume state where

customers are served at tables with the consumption of the food, predominantly within the building and customers are seated.

- (5) Outdoor dining – The portion of a restaurant where food and drink that has been prepared inside the establishment is consumed at tables and chairs outside the principal building in an area adjacent to the principal building
- (h) Similar use. A use approved as provided in PDP Amendments – Administrative Amendments.
- (i) Prohibited Uses: The following uses are prohibited in the OPS-PDD:
 - (1) General merchandise discount stores.
 - (2) Membership-only stores (including discount clubs).
 - (3) Hardware or home-improvement stores primarily stocking lumber, building materials, and building supplies.
 - (4) Stores primarily selling used merchandise, second-hand merchandise, samples, and floor models, demonstration merchandise, fire-sale merchandise, store-closing merchandise, and damaged merchandise.
 - (5) Stores primarily selling on consignment except that such stores primarily selling art and/or jewelry on consignment are not prohibited. Pawn shops are prohibited.
 - (6) Nightclubs, discotheques, and banquet halls unless part of a permitted hotel.
 - (7) Bars unless incidental to a restaurant or hotel, except that high end bars specializing in craft beers (which may include a micro-brewery), wine, and/or craft cocktails shall be permitted.
 - (8) Entertainment uses that primarily offer amusement galleries, massage parlors, sporting events, sports or game facilities, internet cafes, off-track betting clubs; provided, however, that the offering of therapeutic massages shall not be construed as an entertainment use or prohibited hereunder.
 - (9) Automotive services and uses, such as automobile and truck dealerships (including sales, rental, and leasing), automobile service stations, carwashes, gas stations and automotive body shops.
 - (10) Outdoor storage of any kind.
 - (11) Outdoor commercial recreation such as, but not limited to: go-carts, miniature golf, and batting cages, except that pickleball, bocce ball and other similar recreational uses are permitted as accessory uses in SD-2 and SD-3
 - (12) Animal Kennels, except approved as incidental to a veterinary hospital.
 - (13) Funeral homes and the sale of cemetery memorials.
 - (14) Nursing homes.
 - (15) Uses by governmental or not-for-profit entities, except for those uses determined by Orange Village to be necessary for Orange Village purposes.
 - (16) General grocery stores, except that high end specialty grocery stores may be approved by the Planning and Zoning Commission in accordance with Section 1174.03 above.
 - (17) Outlet stores.
 - (18) Regulated Uses as defined by Section 735.02(e) of the Orange Village Code of Ordinances concerning Adult Entertainment Establishments.

- (19) Uses generally prohibited in the Village.
- (20) Outdoor display of goods sold on the premises.
- (21) Restaurant with a drive-thru facility.
- (22) Hotels and motels.

1174.05 Use regulations.

In the OPS-PDD, a building or the land shall only be used, designed, erected, altered, or moved for a main or accessory use that is set forth in this Section 1174.05 or as approved pursuant to Section 1174.03.

(a) A use listed in Schedule 1174.05 shall be permitted by right when listed as a Permitted Principal Use if all requirements of other Village ordinances and this Zoning Code have been met, except as otherwise prohibited:

SCHEDULE 1174.05 - OPS-PDD USES BY SUBDISTRICT			
SD1 – Commercial Subdistrict			
	Permitted Principal Uses: Retail Banks and other financial services Offices, including but not limited to medical Restaurants - Table Service - Counter Service - Fast Casual Entertainment Community Park/Activity Area Open Space Conservation, Buffering Personal services providers including but not limited to health and beauty Veterinarian hospital, subject to conditions determined by the Planning Commission to be necessary to control external impacts such as noise, odors, waste control; prohibition of general boarding; and control of exterior animal spaces Fitness studio not exceeding 10,000 square feet. Similar uses approved as provided for PDP Amendments – Administrative Amendments		
SD2 – Senior Living Subdistrict			
	Permitted Principal Uses: Senior Living Flats in multistory building(s)		
SD3 – Senior Single Family Residential Subdistrict			
	Permitted Principal Uses: Senior Single Family Detached/Attached Dwellings as Townhomes or Villas		
Accessory Uses and Structures Permitted in Subdistricts			
SD-1 Permitted Accessory Uses and Structures: Outdoor Dining accessory to a permitted restaurant Parking Garages Drive-thru facility accessory to a bank or other financial service In-car service	SD-2 Permitted Accessory Uses and Structures: Outdoor Dining and other activity areas accessory to a permitted residential building Parking Garages	SD-3 Permitted Accessory Uses and Structures: Facilities and outdoor activity areas accessory to dwellings in a homeowners or residential condominium association including decks or patios attached to dwelling units.	Permitted Accessory Uses and Structures in All Subdistricts: Off-street parking Signs Trash enclosures Fences Electric vehicle charging stations

Pickup window accessory to a permitted restaurant		One (1) storage structure for association maintenance equipment and materials.	
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1174.06 Specific development standards

- (a) Schedule 1174.06(a) sets forth the requirements for building and tenant sizes, building coverage, open space, and maximum building height.

SCHEDULE 1174.06(a) BUILDING REQUIREMENTS			
	SD1 Commercial	SD2 Senior Living	SD3 Senior Single Family Residential
Maximum building footprint	NA	NA	NA
Maximum Tenant Footprint (SF)	50,000	NA	NA
Maximum Building Height above grade	45 ft	65 ft	35 ft
Maximum building lot coverage (measured as the total for the entire SD2 or SD3 subdistrict)	NA	35%	35%
Maximum Density units/acre	NA	18	5.0

- (b) Schedule 1174.06(b) sets forth the requirements for building and parking setbacks.

SCHEDULE 1174.06(b) BUILDING AND PARKING SETBACKS			
	SD1 Commercial	SD2 Senior Living	SD3 Senior Single Family Residential
Minimum Building Setback from right of way line:			
Harvard Road	50 ft	NA	NA
Orange Place or extension thereof	30 ft	30 ft	40 ft
Rear yard lines of lots fronting on Jackson Drive*	NA	NA	50 ft
PMUD District*	NA	40 ft	20 ft or other distance approved in the Final Development plan
*All District property lines except as provided above for rear yards of Jackson Drive lots and PMUD	35 ft	35 ft	20 ft or other distance approved in the

			Final Development plan
Other public or private street	20 ft	20 ft	20 ft
Side yard setback	Minimum 20 ft. ½ building height if over 40 ft tall		20 ft minimum building separation
Minimum Surface Parking Setback from:			
Harvard Road right-of-way	25 ft	NA	NA
Orange Place: from west side lot line abutting right-of-way	10 ft	10 ft	15 ft
Other public or private street	10 ft	10 ft	NA

(c) Specific development standards for dwellings.

(1) SD2 Senior Living Subdistrict.

- A. Dwelling units shall only be constructed as flats in multistory buildings.
- B. The minimum floor areas of the dwelling units shall be:
 - Studio units: 500 square feet
 - One (1) bedroom units: 675 square feet
 - Two (2) bedroom units: 1,050 square feet
 - Three (3) bedroom units: 1,250 square feet

(2) SD3 Senior Single Family Residential Subdistrict.

- A. Dwelling units shall only be constructed as single-family dwellings which may be detached or attached in groups of not more than four (4) units per group. Attached units shall be ground floor units.
- B. The minimum floor areas of the dwelling units shall be:
 - Two (2) bedroom, 1,460 square feet
 - Three (3) bedroom, 1,800 square feet

- (3) Dwelling units shall be governed by a declaration of covenants and restrictions, condominium documents, or other similar documents, which shall be subject to review and reasonable approval by the Village.

1174.07 Parking facilities.

Parking and driveways shall be permitted as accessory uses in accordance with the standards and regulations of Chapter 1162 Off-Street Parking and Loading except as modified herein.

- (a) The parking provided to satisfy the requirements for commercial/non-residential uses in this OPS-PDD may be in surface parking lots or in enclosed garages or structured parking decks. Any structured parking proposed above the grade of the site shall be considered a building and set back from property lines as set forth in Schedule 1174.06(b).
- (b) The required parking for residential uses shall be reasonably distributed throughout the development to provide the maximum convenience to each dwelling unit. Enclosed parking

shall either be attached to the dwelling or have direct indoor/enclosed access from the parking garage to the dwelling unit.

- (c) In the SD2 subdistrict, a minimum of one (1) enclosed space and 0.25 enclosed or uncovered guest spaces shall be provided per dwelling unit.
- (d) In the SD3 subdistrict, a minimum of one (1) enclosed space and 0.25 enclosed or uncovered guest spaces shall be provided per dwelling unit.
- (e) The minimum required parking for retail uses shall be three and one half (3.5) spaces per one thousand (1,000) square feet of gross floor area and for office uses three (3) spaces per one thousand (1,000) square feet of gross floor area.
- (f) The total parking provided for the commercial development in Sub-District SD-1 shall not exceed 5.4 spaces per 1,000 square feet of gross floor area and shall not be less than 3.0 spaces .
- (g) Drive aisles providing direct access to parking spaces shall be a minimum of twenty-two (22) feet in width.
- (h) Notwithstanding the requirements set forth in this Section, the Planning and Zoning Commission may approve a lesser amount of parking than required taking into consideration: the hours of operation of uses; the overlap in parking demand by different adjacent uses; and the operating characteristics of the specific uses proposed. The land areas resulting from such parking reductions shall be improved as landscaped green space areas, as approved in the Final Development Plan, until such time as they may be needed as surface parking as determined by the Planning and Zoning Commission.
- (i) The design of the parking areas and related circulation, landscaping, open space, and pedestrian areas shall be as approved on the Preliminary Development Plan, as it may be amended.

1174.08 Signs.

Signs shall be permitted in compliance with the provisions of Chapter 1161.

1174.09 Land planning/site development principles and criteria.

The following planning guidelines are established to guide the planning, development and use of the land in a OPS-PDD.

- (a) Landscaping prototypes for buffering, parking islands, pedestrian areas and site amenities for all Sub-Districts shall be depicted on the Preliminary Development Plan.
- (b) Parking lots shall be screened from adjacent residential uses and public streets with dense evergreen hedges or trees and/or earthen mounds or other effective screening as approved by the Planning and Zoning Commission.
- (c) Lighting of drives, sidewalks and parking areas shall be adequate to provide safety, but the location, number, height, and level of illumination shall be approved by the Planning and Zoning Commission as part of the FDP. Lighting shall be designed to not have excessive brightness, to not have light trespass on adjacent property and to not create "hot spots" of light.
- (d) The development shall be designed to utilize the natural contours of the land, economize in the construction of utilities, and reduce the amount of grading to the extent practicable.

- (e) Utility services including gas, water, sewers, electric, cable and telephone, shall be installed underground in compliance with relevant Village ordinances and all other applicable regulations and requirements.
- (f) Pedestrian facilities shall be constructed throughout the development providing access to common facilities, abutting roads and commercial areas, and Village paths and bikeways.
- (g) Retention/detention, when proposed as open basins or ponds, shall be designed to be an integral part of an amenity to the development. The borders of retention basins shall have natural or curvilinear shapes and shall be planted with grass and trees to blend in with the landscape features of the development. Where deep basins are constructed, protection shall be provided to prevent pedestrians or vehicles from dangers arising from the design of these facilities, and such protection may include, but is not limited to, fences, guard rails or other warning devices as deemed necessary.
- (h) In SD 3, the open space shall be guaranteed from further subdivision and/or use through deed restrictions or covenants. All such open space shall be maintained by the homeowner association or other entity as approved by the Village.
- (i) Private streets shall be constructed to Village construction standards for public streets unless an alternate standard is approved by the Planning and Zoning Commission in connection with the approval of an FDP. All private streets in Sub-Districts SD-3 shall be within an easement granted to the Village which assures perpetual public access. All private streets shall be accessible for the provision of municipal services. The land areas of the designated private streets shall be maintained by the owners thereof.
- (j) Trash storage containers and compactors shall be enclosed with a masonry wall at such minimum height, but not less than six (6) feet, as necessary to fully screen the top of any trash storage device on three sides with a closable door/gate on the fourth side. Trash enclosures shall be screened with landscaping and located as depicted on an FDP.
- (k) Where required by the Planning Commission, sound barriers shall be installed for all HVAC, outdoor refrigeration systems, trash compactors and other similar or related improvements located in Sub-Districts SD-1.
- (l) Green space and landscape area shall be provided within Districts SD1, SD2, and SD3 as a minimum of 20% of the overall developed area of the combined districts. This area may include, but not be limited to landscaped areas, plantings, natural areas, walks, plazas site features, seating areas, and other features as directed and approved by the Planning Commission.

1174.10 Commercial building design standards and guidelines.

- (a) The building designs within each District will include a variety of building arrangements including, but not limited to, the bulk and shape of the buildings, open space and landscape features and architectural styles, with buildings arranged in various groups, courts or clusters with open spaces related to the buildings to create a harmonious and coordinated architectural design for the entire development area.
- (b) Exteriors of buildings shall have finished materials on all sides except those that face non-public or service areas that are thoroughly screened. Exterior Finished materials shall not include exposed concrete, cinder block, or acrylic stucco (commonly known as "dryvit" or

"EIFS") except when it is used as an accent in association with recessed or protruding belt courses, wide reveals, or combinations thereof.

- (c) A combination of materials, textures, colors and finishes are to be used to create visual interest.
- (d) While flexibility in design is encouraged, the following design standards shall be incorporated in each FDP.
 - (1) When the wall of a building faces a public right-of-way, or public parking area, or is within forty five (45) degrees of facing a public right-of-way, such walls shall have no more than twenty (20) feet of contiguous wall length, on any ground floor, unless the wall includes architectural features such as windows, piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created. In satisfying this requirement windows may be transparent or opaque representations.
 - (2) Walls that meet the following criteria shall be exempt from the requirements of subsection (b)(1) above:
 - A. Two walls that face one another, are separated by not more than thirty (30) feet, and the space between the two walls is used for servicing the buildings, or
 - B. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-ways, parking areas, and abutting residential areas as approved in the Preliminary Development Plan, as it may be amended.
- (e) Tenant spaces within commercial buildings shall be fully finished consistent with refined retail design.
- (f) Building and design shall demonstrate a high quality of design throughout.
 - (1) The use of building elements providing an articulate architectural vocabulary using materials, details and forms to provide a scale and relationship for a varied and refined pedestrian experience.
 - (2) The use of building materials such as stone, brick, cultured stone, split face concrete masonry (no painted or integrally colored concrete masonry except in non-public or service areas that are thoroughly screened), metals, glass, wood, fiber cement siding, spandrel material;
 - (3) The limited use of acrylic stucco (exterior insulation finish system), only for trim, moldings or shapes, shall not comprise more than 20% of any single wall elevation: and
 - (4) The use of multiple layers of materials, steps in the facades (both vertical and horizontal) and levels to break down the apparent size and scale of building segments.

1174.11 Residential building design standards and guidelines.

- (a) The building designs within SD-2 and SD-3 will include a variety of building arrangements including, but not limited to, the bulk and shape of the buildings, open space and landscape features and architectural styles, yet the buildings shall be arranged in various groups, courts or clusters with open spaces related to the buildings to create a harmonious and coordinated architectural design for the entire development area.
- (b) Buildings shall have finished materials on all sides except those that face non-public or service areas that are thoroughly screened. Finished materials shall not include exposed

concrete, cinder block, or acrylic stucco (commonly known as "dryvit" or "EIFS") except when it is used as an accent in association with recessed or protruding belt courses, wide reveals, or combinations thereof.

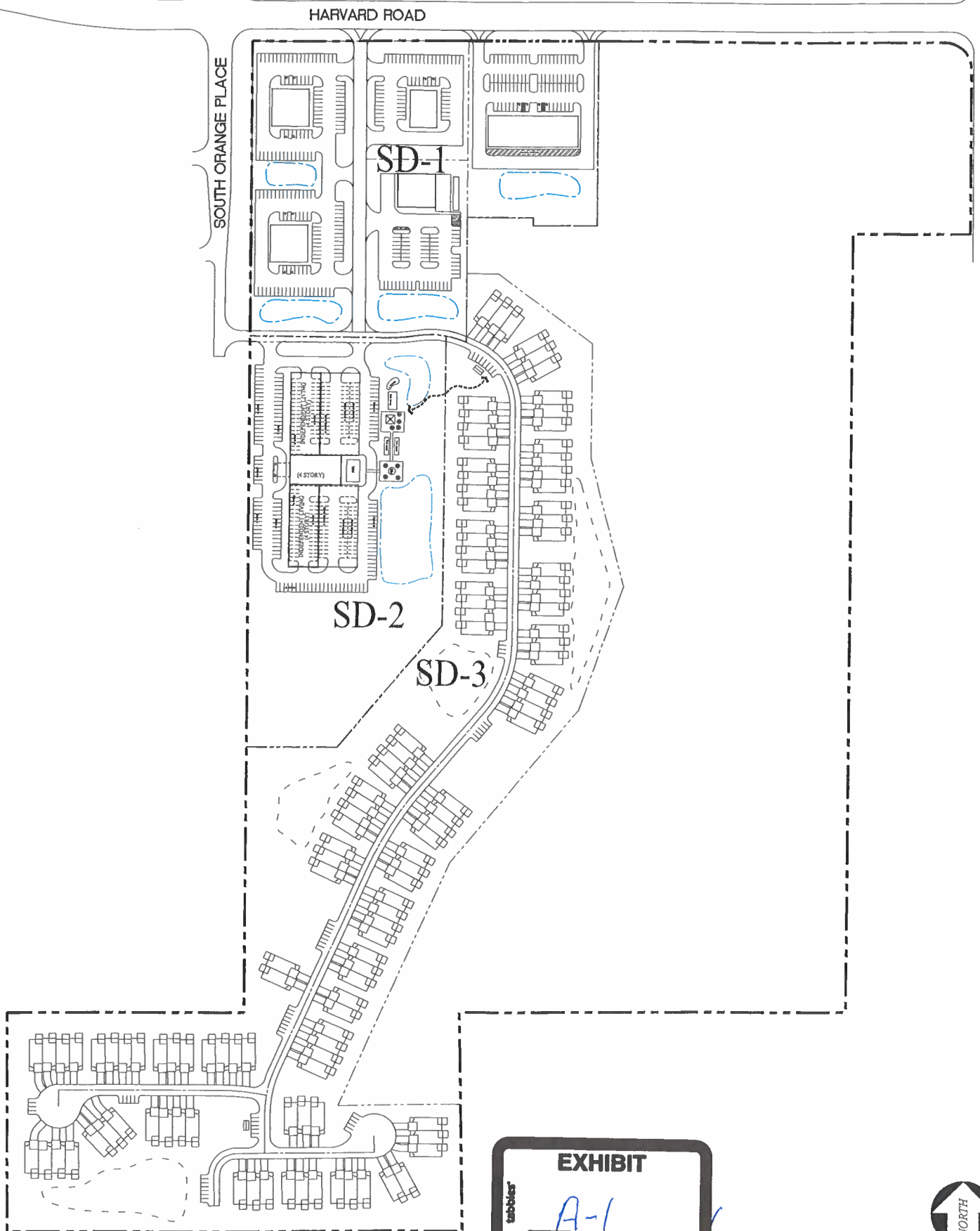
- (c) A combination of materials, textures, colors and finishes are to be used to create visual interest.
- (d) Interior spaces shall include a variety of floor arrangements, decor, and distinctive design details to reflect the design and material quality of the exterior, and the overall high quality mandated throughout the Development. To this end, the preponderance of finishes and fixtures such as appliances, hardware, windows, doors, cabinets, etc. shall be of the highest reasonably feasible quality and be comparable to recently constructed for-sale homes in the marketplace. Conversely, finishes, fixtures, appliances, hardware, windows, doors, cabinets that are of quality generally referred to as "builders' grade," and commonly associated with large scale and modest price residential developments, shall not be prevalent in any residential unit.

1174.12 Conflict.

Where there is a conflict between the provisions of this Chapter and other provisions in the Zoning Code, the provisions of this Chapter shall govern.

PRELIMINARY DEVELOPMENT PLAN

SD-1, SD-2 & SD-3





Cunningham & Associates, Inc.

Civil Engineering & Surveying

203 W. Liberty St., Medina, Oh 44256

Phone: (330) 725-5980 * Fax (330) 725-8019

Area #4 (Entire Rezoning Area)
Legal Description for a 45.6535 Acre Parcel
Project No. 23-190
October 24, 2023



Situated in the Village of Orange, County of Cuyahoga, State of Ohio and being known as part of Original Orange Township Lot 2 and Lot 3, Tract 4, also being a part of lands conveyed to Margaret Weintraub, Trustee by deeds dated August 27, 2014 as recorded in AFN: 201408270568, AFN: 201408270569, and AFN: 201408270572 of the Cuyahoga County Recorder's Records, also being the whole of lands conveyed to 27650 Harvard Road, LLC by deeds dated November 21, 2019 as recorded in AFN: 201911210609 of the Cuyahoga County Recorder's Records, the whole of lands conveyed to Kenneth W. Bunosky, Trustee by deed dated December 01, 2021 as recorded in AFN: 202112010584 of the Cuyahoga County Recorder's Records, and the whole of lands conveyed to Jay Weintraub, Trustee by deed dated May 12, 2023 as recorded in AFN: 202305120448 of the Cuyahoga County Recorder's Records, further bounded and described as follows:

Commencing at the Northeast corner of said Lot 2, also being the intersection of the centerline of Brainard Road, having a 60-foot Right-of-Way, with the centerline of Harvard Road, having a varied width Right-of-Way;

Thence along the centerline of Harvard Road and the Northern line of said Lot 2, bearing North 89°51'53" West, a distance of 874.74 feet to a point thereon, also being the Northwest corner of lands conveyed to Board of Commissioners, Cuyahoga County by deed dated August 21, 2000 as recorded by AFN: 200008210043 of the Cuyahoga County Recorder's Records and the **TRUE PLACE OF BEGINNING** of the parcel herein described;

Thence along the Western line of said lands of Board of Commissioners (AFN: 200008210043) and the Southernly projection thereof, bearing South 00°22'01" West, a distance of 454.03 feet to the Southwest corner of lands conveyed to Margaret Weintraub, Trustee by deed dated August 27, 2014 as recorded in AFN: 201408270571 of the Cuyahoga County Recorder's Records, also being a point on a Northern line of lands conveyed to Jay Weintraub, Trustee by deed dated May 12, 2023 as recorded in AFN: 202305120448 of the Cuyahoga County Recorder's Records;

Thence parallel to the centerline of Harvard Road and the Northern line of aforesaid Lot 2, along a Northern line of said lands of Jay Weintraub, bearing North 89°51'53" West a distance of 143.91 feet to an angle point therein;

Thence continuing along a Northern line of said lands of Jay Weintraub, bearing North 00°22'01" East a distance of 17.71 feet to an angle point therein;

Thence continuing along a Northern line of said lands of Jay Weintraub, parallel to the centerline of Harvard Road and the Northern line of said Lot 2, bearing North 89°51'53" West, a distance of 150.00 feet to a Northwest corner of said lands of Jay Weintraub;

Thence along a Western line of said lands of Jay Weintraub and the southerly projection thereof, bearing South 00°22'01" West, a distance of 122.00 feet to a point;

Thence parallel to the centerline of Harvard Road and the Northern line of aforesaid Lot 2, bearing South 89°51'53" East, a distance of 74.00 feet to a point;

Thence, bearing South 53°34'53" East, a distance of 272.00 feet to a point;

Thence parallel to the Western line of aforesaid lands of Jay Weintraub, bearing South 00°22'01" West, a distance of 260.00 feet to a point;

Thence, bearing South 13°26'24" East, a distance of 300.00 feet to a point;

Thence, bearing South 18°01'56" West, a distance of 300.00 feet to a point;

Thence, bearing South 38°26'53" West, a distance of 445.00 feet to a point;

Thence, bearing South 26°14'22" West, a distance of 611.00 feet to a point;

Thence parallel to the Northern line of "Orange Tree Estates" as recorded in Volume 236, Page 6-7 of the Cuyahoga County Recorder's Records, bearing North 89°42'07" East, a distance of 273.00 feet to a point to the Western line of lands conveyed to Frederick Widen, Trustee by deed dated September 26, 2000 as recorded in AFN: 200009260798 of the Cuyahoga County Recorder's Records;

Thence along the Western line of said lands of Widen and the Southerly projection thereof, bearing South 01°21'06" East, a distance of 292.00 feet to the Southwest corner of lands conveyed to Alejandra Ng-Feng and Erik Tobin by deed dated October 20, 2022 as recorded in AFN: 202210200433 of the Cuyahoga County Recorder's Records, also being a point on the Northern line of said "Orange Tree Estates";

Thence along the Northern line of "Orange Tree Estates", bearing South 89°42'07" West, a distance of 1030.02 feet to the Northwest corner of said "Orange Tree Estates", also being a point on the Eastern line of lands conveyed to ABDS LLC by deed dated September 29, 2006 as recorded in AFN: 200609290678, also being a point on the Eastern line of the City of Warrensville Heights;

Thence along the Western line of said lands of ABDS LLC and the Eastern line of the City of Warrensville Heights, bearing North 00°17'18" West, a distance of 501.47 feet to a point thereon and the Southwest corner of said Lot 2, also being an angle point on a Southern line of "Orange Place South Subdivision No. 1" as recorded in AFN: 201804180189 of the Cuyahoga County Recorder's Records;

Thence along a Southern line of said "Orange Place South Subdivision No.1" and the Southern line of said Lot 2, bearing North 89°41'00" East, a distance of 534.66 feet to a point thereon, also being the Eastern line of said "Orange Place South Subdivision No.1";

Thence along the Eastern line of said "Orange Place South Subdivision No. 1" bearing North 00°13'41" East, a distance of 2246.18 to a point on the centerline of Harvard Road and the Northern line said Lot 2;

Thence along the centerline of Harvard Road and the Northern line of said Lot 2, bearing South 89°51'53" East, a distance of 57.25 feet to a point thereon, also being the Northwest corner of lands conveyed to Board of Commissioners, Cuyahoga County by deed dated August 21, 2000 as recorded in AFN: 200008210044 of the Cuyahoga County Recorder's Records;

Thence at a right angle and perpendicular to the centerline of Harvard Road and the Northern line of said Lot 2, along the Western line of said lands of Board of Commissioners (AFN: 200008210044), bearing South 00°08'07" West, a distance of 48.95 feet to the Southwest corner of said lands of Board of Commissioners (AFN: 200008210044);

Thence at a right angle and parallel to the centerline of Harvard Road and the Northern line of said Lot 2, also being along the Southern line of said lands of Board of Commissioners (AFN: 200008210044), bearing South 89°51'53" East, a distance of 116.33 feet to an angle point therein;

200008210044), bearing North 89°57'52" East, a distance of 317.63 feet to the Southeast corner of said lands of Board of Commissioners (AFN: 200008210044);

Thence along the Eastern line of said lands of Board of Commissioners (AFN: 200008210044), bearing North 00°22'01" East, a distance of 48.00 feet to the Northeast corner of said lands of Board of Commissioners (AFN: 200008210044), also being a point on the centerline of Harvard Road and the Northern line of aforesaid Lot 2;

Thence along the centerline of Harvard Road and the Northern line of said Lot 2, bearing South 89°51'53" East, a distance of 293.91 feet to a point thereon, also being the Northwest corner of aforesaid lands of Board of Commissioners (AFN: 200008210043) and the **TRUE PLACE OF BEGINNING** containing 45.6535 Acres of land, more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey by and/or under the supervision of Douglas S. Jewel P.S. # S-8007 by Cunningham & Associates, Inc. in October 2023.

LOT 2
SITUATED IN THE VILLAGE OF ORANGE, COUNTY
OF CUYAHOGA, AND THE STATE OF OHIO AND
KNOWN AS BEING A PART OF ORIGINAL ORANGE
TOWNSHIP LOT 2 & LOT 3, TRACT 4

TR. 4	TR. 4
LOT 1	LOT 2
	PAGE 1

Curve #	Radius	Delta	Chord Length	Arc Length
C1	197.00	32.37°33"	N83°10'40"W	110.67
C2	412.00	9°57'34"	N65°19'20"E	69.14
C3	197.00	18°03'46"	S89°32'26"W	61.85
C4	197.00	14°33'47"	N74°08'49"W	49.84
				50.07

LEGEND:

- - 5/8" IRON PIN FLD. W/CAP
- - 3/8" IRON PIN SET W/CAP STAMPED GUINCHICHAU
- - IRON PIN FLD. (NO CAP)
- Prod. - FOUND
- Med. - MEASURED
- Obs. - OBSERVED
- Rec. - RECORD
- Und. - USED
- Calc. - CALCULATED

tabbles®

AREA #4 (ENTIRE RE-ZONING AREA)
45.6535 AC. (AREAS #1 - #3 INCLUSIVE)



Scale: 1" = 100'
BEARINGS ARE TO AN ASSUMED MERIDIAN
AND ARE USED TO DENOTE ANGLES ONLY

PARCEL "C"
ORANGE PLACE SOUTH
SUBDIVISION NO. 1
AFN:. 201804180189

ORANGE PLACE (R/W VARIES)

AREA #1
10.3301 AC.

AREA #2
8.5989 AC.

AREA #3
26.7245 AC.

45.6535 AC. (AREAS #1 - #3 INCLUSIVE)

45.6535 AC. (AREAS #1 - #3 INCLUSIVE)

CITY: VILLAGE OF ORANGE
TOWNSHIP: ORANGE
TRACT: 4
LOT NUMBER: 2 & 3
PROP OWNER: MARGARET & JAY WEINTRAUB, TRUSTEES

RE-ZONING EXHIBIT
LOCATED IN
COUNTY OF CUYAHOGA STATE OF OHIO

CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
203 W. LIBERTY ST. MEDINA, OHIO 44256 330-725-5980

- ② - 5/8" IRON PIN FND. W/CAP
- ③ - 5/8" IRON PIN SET W/CAP STAMPED CUNNINGHAM
- - IRON PIN FND. (NO CAP)



Calc. - CALCULATED

PARCEL "C"
ORANGE PLACE
SOUTH SUBDIVISION NO. 1
AFN: 201804180189

MARGARET
WEINTRAUB, TRUSTEE
AFN: 201408270572
08/27/2014

MARGARET
WEINTRAUB, TRUSTEE
AFN: 201408270568
08/27/2014

MARGARET.
WEINTRAUB, TRUSTEE
AFN: 201408270569
08/27/2014

JAY WEINTRAUB, TRUSTEE
AFN: 202305120448
05/12/2023
CONSOLIDATION PLAT
VOL. 237 OF MAPS, PG 80

JUDITH LIPTON, ALLEN BINSTOCK,
& LAURA BINSTOCK

AFN: 202307310
07/31/2023

FREDERICK WIDEN, TRUSTEE
AFN: 200009260798
09/26/2000

ALEJANDRA NG-FENG &
ERIK TOBIN
AFN: 202210200433
10/30/2022

ABDS LLC
AFN: 200609290678
09/29/2006

[illegible]

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Find. Usd. W-E

$\frac{3}{4}$ S
Find. & Usd.

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Find. & Usd.

2	SHEET NO.	DASHWIN, INC. C/O: <u>HEATHER</u> DATE: <u>02/02/22</u> PROJECT: 23-190	CITY: <u>VILLAGE OF ORANGE</u> TOWNSHIP: <u>ORANGE</u> TRACT: <u>4</u> LOT NUMBER: <u>2 & 3</u> PROP OWNER: <u>MARGARET & JAY WEINTRAUB, TRUSTEES</u>
		ACID PLATE 23-190 EXHIB. 02	SCALE: 1"=100'

RE-ZONING EXHIBIT
LOCATED IN
COUNTY OF CUYAHOGA STATE OF OHIO

CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
203 W. LIBERTY ST. MEDINA, OHIO 44256 330-723-5980



Area #1

Legal Description for a 10.3301 Acre Parcel

Project No. 23-190

October 24, 2023



Situated in the Village of Orange, County of Cuyahoga, State of Ohio and being known as part of Original Orange Township Lot 2, Tract 4, also being a part of lands conveyed to Margaret Weintraub, Trustee by deeds dated August 27, 2014 as recorded in AFN: 201408270568 and AFN: 201408270569, also being the whole of lands conveyed to 27650 Harvard Road, LLC by deed dated November 21, 2019 as recorded in AFN: 201911210609, and the whole of lands conveyed to Kenneth W. Bunosky, Trustee by deed dated December 01, 2021 as recorded in AFN: 202112010584 of the Cuyahoga County Recorder's Records, further bounded and described as follows:

Commencing at the Northeast corner of said Lot 2, also being the intersection of the centerline of Brainard Road, having a 60-foot Right-of-Way, with the centerline of Harvard Road, having a varied width Right-of-Way;

Thence along the centerline of Harvard Road and the Northern line of said Lot 2, bearing North $89^{\circ}51'53''$ West, a distance of 874.74 feet to a point thereon, also being the Northwest corner of lands conveyed to Board of Commissioners, Cuyahoga County by deed dated August 21, 2000 as recorded by AFN: 200008210043 of the Cuyahoga County Recorder's Records and the **TRUE PLACE OF BEGINNING** of the parcel herein described;

Thence along the Western line of said lands of Board of Commissioners (AFN: 200008210043) and the Southerly projection thereof, bearing South $00^{\circ}22'01''$ West, a distance of 454.03 feet to the Southwest corner of lands conveyed to Margaret Weintraub, Trustee by deed dated August 27, 2014 as recorded in AFN: 201408270571 of the Cuyahoga County Recorder's Records, also being a point on a Northern line of lands conveyed to Jay Weintraub, Trustee by deed dated May 12, 2023 as recorded in AFN: 202305120448 of the Cuyahoga County Recorder's Records;

Thence parallel to the centerline of Harvard Road and the Northern line of aforesaid Lot 2, along a Northern line of said lands of Jay Weintraub, bearing North $89^{\circ}51'53''$ West a distance of 143.91 feet to an angle point therein;

Thence continuing along a Northern line of said lands of Jay Weintraub, bearing North $00^{\circ}22'01''$ East a distance of 17.71 feet to an angle point therein;

Thence continuing along a Northern line of said lands of Jay Weintraub, parallel to the centerline of Harvard Road and the Northern line of said Lot 2, bearing North $89^{\circ}51'53''$ West, a distance of 150.00 feet to a Northwest corner of said lands of Jay Weintraub;

Thence along a Western line of said lands of Jay Weintraub, bearing South $00^{\circ}22'01''$ West, a distance of 265.77 feet to a point thereon;

Thence, along a non-tangent curve to the left having a radius of 197.00 feet with a central angle (Delta) of $32^{\circ}37'33''$, the long chord of which bears North $83^{\circ}10'40''$ West for a distance of 110.67 feet for an arc length of 112.18 feet to a point;

Thence, along a reverse curve to the right having a radius of 412.00 feet with a central angle (Delta) of $09^{\circ}37'34''$, the long chord of which bears South $85^{\circ}19'20''$ West for a distance of 69.14 feet for an arc length of 69.22 feet to a point;

Thence parallel to the centerline of Harvard Road and the Northern line of aforesaid Lot 2, bearing North 89°51'53" West a distance of 310.88 feet to a point on the Eastern line of "Orange Place South Subdivision No. 1" as recorded in AFN: 201804180189;

Thence along the Eastern line of said "Orange Place South Subdivision No. 1", bearing North 00°13'41" East a distance of 695.00 feet to a point on the centerline of Harvard Road and the Northern line said Lot 2;

Thence along the centerline of Harvard Road and the Northern line of said Lot 2, bearing South 89°51'53" East, a distance of 57.25 feet to a point thereon, also being the Northwest corner of lands conveyed to Board of Commissioners, Cuyahoga County by deed dated August 21, 2000 as recorded in AFN: 200008210044 of the Cuyahoga County Recorder's Records;

Thence at a right angle and perpendicular to the centerline of Harvard Road and the Northern line of said Lot 2, along the Western line of said lands of Board of Commissioners (AFN: 200008210044), bearing South 00°08'07" West, a distance of 48.95 feet to the Southwest corner of said lands of Board of Commissioners (AFN: 200008210044);

Thence at a right angle and perpendicular to the centerline of Harvard Road and the Northern line of said Lot 2, also being along the Southern line of said lands of Board of Commissioners (AFN: 200008210044), bearing South 89°51'53" East, a distance of 116.33 feet to an angle point therein;

Thence continuing along the Southern line of said lands of Board of Commissioners (AFN: 200008210044), bearing North 89°57'52" East, a distance of 317.63 feet to the Southeast corner of said lands of Board of Commissioners (AFN: 200008210044);

Thence along the Eastern line of said lands of Board of Commissioners (AFN: 200008210044), bearing North 00°22'01" East, a distance of 48.00 feet to the Northeast corner of said lands of Board of Commissioners (AFN: 200008210044), also being a point on the centerline of Harvard Road and the Northern line of aforesaid Lot 2;

Thence along the centerline of Harvard Road and the Northern line of said Lot 2, bearing South 89°51'53" East, a distance of 293.91 feet to a point thereon, also being the Northwest corner of aforesaid lands of Board of Commissioners (AFN: 200008210043) and the **TRUE PLACE OF BEGINNING** containing 10.3301 Acres of land, more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey by and/or under the supervision of Douglas S. Jewel P.S. # S-8007 by Cunningham & Associates, Inc. in Default 2021.



Cunningham & Associates, Inc.

Civil Engineering & Surveying

203 W. Liberty St., Medina, Oh 44256

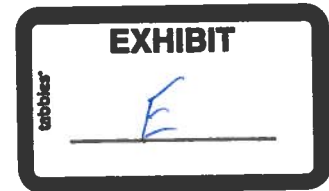
Phone: (330) 725-5980 * Fax (330) 725-8019

Area #2

Legal Description for a 8.5989 Acre Parcel

Project No. 23-190

October 24, 2023



Situated in the Village of Orange, County of Cuyahoga, State of Ohio and being known as part of Original Orange Township Lot 2, Tract 4, also being a part of lands conveyed to Margaret Weintraub, Trustee by deeds dated August 27, 2014 as recorded in AFN: 201408270568 and AFN: 201408270569 of the Cuyahoga County Recorder's Records, further bounded and described as follows:

Commencing at the Northeast corner of said Lot 2, also being the intersection of the centerline of Brainard Road, having a 60-foot Right-of-Way, with the centerline of Harvard Road, having a varied width Right-of-Way;

Thence along the centerline of Harvard Road and the Northern line of said Lot 2, bearing North $89^{\circ}51'53''$ West, a distance of 1168.95 feet to a point thereon, also being the Northwest corner of lands conveyed to Kenneth W. Bunosky, Trustee by deed dated December 01, 2021 as recorded by AFN: 202112010854 of the Cuyahoga County Recorder's Records;

Thence along the Western line of said lands of Bunosky and the Southerly projection thereof, bearing South $00^{\circ}22'01''$ West, a distance of 702.09 feet to a point on the Western line of lands conveyed to Jay Weintraub, Trustee by deed dated May 12, 2023 as recorded in AFN: 202305120448 of the Cuyahoga County Recorder's Records;

Thence, along a non-tangent curve to the left having a radius of 197.00 feet with a central angle (Delta) of $14^{\circ}33'47''$, the long chord of which bears North $74^{\circ}08'48''$ West for a distance of 49.94 feet for an arc length of 50.07 feet to a point thereon and the **TRUE PLACE OF BEGINNING** of the parcel herein described;

Thence parallel to a Western line of aforementioned Jay Weintraub, Trustee, bearing South $00^{\circ}22'01''$ West, a distance of 656.87 feet to a point;

Thence, bearing South $41^{\circ}11'39''$ West, a distance of 358.96 feet to a point;

Thence parallel to the centerline of Harvard Road and the Northern line of aforesaid Lot 2, bearing North $89^{\circ}51'53''$ West, a distance of 204.67 feet to a point on the Eastern line of "Orange Place South Subdivision No. 1" as recorded in AFN: 201804180189 of the Cuyahoga County Recorder's Records;

Thence along the Eastern line of said "Orange Place South Subdivision No.1", bearing North $00^{\circ}13'41''$ East, a distance of 921.09 feet to a point thereon;

Thence parallel to the centerline of Harvard Road and the Northern line of aforesaid Lot 2, bearing South $89^{\circ}51'53''$ East, a distance of 310.88 feet to a point;

Thence, along a tangent curve to the left having a radius of 412.00 feet with a central angle (Delta) of $09^{\circ}37'34''$, the long chord of which bears North $85^{\circ}19'20''$ East for a distance of 69.14 feet for an arc length of 69.22 feet to a point;

thence, along a reverse curve to the right having a radius of 197.00 feet with a central angle (Delta) of 18°03'46", the long chord of which bears North 89°32'26" East for a distance of 61.85 feet for an arc length of 62.11 feet to a point and the **TRUE PLACE OF BEGINNING** containing 8.5989 Acres of land, more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey by and/or under the supervision of Douglas S. Jewel P.S. # S-8007 by Cunningham & Associates, Inc. in October 2023.



Cunningham & Associates, Inc.

Civil Engineering & Surveying

203 W. Liberty St., Medina, Oh 44256

Phone: (330) 725-5980 * Fax (330) 725-8019

Area #3

Legal Description for a 26.7245 Acre Parcel

Project No. 23-190

October 24, 2023

EXHIBIT

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Situated in the Village of Orange, County of Cuyahoga, State of Ohio and being known as part of Original Orange Township Lot 2 and Lot 3, Tract 4, also being a part of lands conveyed to Margaret Weintraub, Trustee by deeds dated August 27, 2014 as recorded in AFN: 201408270568, AFN: 201408270569, and AFN: 201408270572 of the Cuyahoga County Recorder's Records, also being a part of lands conveyed to Jay Weintraub, Trustee by deed dated May 12, 2023 as recorded in AFN: 202305120448 of the Cuyahoga County Recorder's Records, further bounded and described as follows:

Commencing at the Northeast corner of said Lot 2, also being the intersection of the centerline of Brainard Road, having a 60-foot Right-of-Way, with the centerline of Harvard Road, having a varied width Right-of-Way;

Thence along the centerline of Harvard Road and the Northern line of said Lot 2, bearing North $89^{\circ}51'53''$ West, a distance of 1168.95 feet to a point thereon, also being the Northwest corner of lands conveyed to Kenneth W. Bunosky, Trustee by deed dated December 01, 2021 as recorded by AFN: 202112010854 of the Cuyahoga County Recorder's Records;

Thence along the Western line of said lands of Bunosky and the Southerly projection thereof, bearing South $00^{\circ}22'01''$ West, a distance of 510.32 feet to a point on the Western line of lands conveyed to Jay Weintraub, Trustee by deed dated May 12, 2023 as recorded in AFN: 202305120448 of the Cuyahoga County Recorder's Records and the **TRUE PLACE OF BEGINNING** of the parcel herein described;

Thence parallel to the centerline of Harvard Road and the Northern line of aforementioned Lot 2, bearing South $89^{\circ}51'53''$ East, a distance of 74.00 feet to a point;

Thence, bearing South $53^{\circ}34'53''$ East, a distance of 272.00 feet to a point;

Thence parallel to the Western line of aforesaid lands of Jay Weintraub, bearing South $00^{\circ}22'01''$ West, a distance of 260.00 feet to a point;

Thence, bearing South $13^{\circ}26'24''$ East, a distance of 300.00 feet to a point;

Thence, bearing South $18^{\circ}01'56''$ West, a distance of 300.00 feet to a point;

Thence, bearing South $38^{\circ}26'53''$ West, a distance of 445.00 feet to a point;

Thence, bearing South $26^{\circ}14'22''$ West, a distance of 611.00 feet to a point;

Thence parallel to the Northern line of "Orange Tree Estates" as recorded in Volume 236, Page 6-7 of the Cuyahoga County Recorder's Records, bearing North $89^{\circ}42'07''$ East, a distance of 273.00 feet to a point to the Western line of lands conveyed to Frederick Widen, Trustee by deed dated September 26, 2000 as recorded in AFN: 200009260798 of the Cuyahoga County Recorder's Records;

Thence along the Western line of said lands of Friesen and the Southern projection thereon, bearing South 01°21'06" East, a distance of 292.00 feet to the Southwest corner of lands conveyed to Alejandra Ng-Feng and Erik Tobin by deed dated October 20, 2022 as recorded in AFN 202210200433 of the Cuyahoga County Recorder's Records, also being a point on the Northern line of said "Orange Tree Estates";

Thence along the Northern line of said "Orange Tree Estates", bearing South 89°42'07" West, a distance of 1030.02 feet to the Northwest corner of said "Orange Tree Estates", also being a point on the Eastern line of lands conveyed to ABDS LLC by deed dated September 29, 2006 as recorded in AFN: 200609290678, also being a point on the Eastern corporation line of the City of Warrensville Heights;

Thence along the Western line of said lands of ABDS LLC and the Eastern corporation line of the City of Warrensville Heights, bearing North 00°17'18" West, a distance of 501.47 feet to a point thereon and the Southwest corner of aforesaid Lot 2, also being an angle point on a Southern line of "Orange Place South Subdivision No. 1" as recorded in AFN: 201804180189 of the Cuyahoga County Recorder's Records;

Thence along a Southern line of said "Orange Place South Subdivision No.1" and the Southern line of said Lot 2, bearing North 89°41'00" East, a distance of 534.66 feet to a point thereon, also being an angle point in the Eastern line of said "Orange Place South Subdivision No.1";

Thence along the Eastern line of said "Orange Place South Subdivision No. 1", bearing North 00°13'41" East, a distance of 630.09 feet to a point thereon;

Thence parallel to the centerline of Harvard Road and the Northern line of aforesaid Lot 2, bearing South 89°51'53" East, a distance of 204.67 feet to a point;

Thence, bearing North 41°11'39" East, a distance of 358.96 feet to a point;

Thence parallel to the Western line of aforesaid lands of Jay Weintraub, bearing North 00°22'01" East, a distance of 656.87 feet to a point;

Thence, along a non-tangent curve to the right having a radius of 197.00 feet with a central angle (Delta) of 14°33'47", the long chord of which bears South 74°08'48" East for a distance of 49.94 feet for an arc length of 50.07 feet to a point on the Western line of said lands of Jay Weintraub;

Thence along the Western line of said lands of Jay Weintraub, bearing North 00°22'01" East, a distance of 143.77 feet to a point and the **TRUE PLACE OF BEGINNING** containing 26.7245 Acres of land, more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey by and/or under the supervision of Douglas S. Jewel P.S. # S-8007 by Cunningham & Associates, Inc. in October 2023.