

MINUTES

Orange Village Planning & Zoning Commission
Architectural Board of Review
Tuesday, March 19, 2024 - 6:30 pm

Mayor Kline called the meeting to order at 6:30 p.m.

Mayor Kline announced in order to allow adequate time for discussion for the New Song Church project item number 4 on the Agenda will now follow item number 6. There were no objections from the Committee.

Members Present: Brian Hitt, Anthony Lazar, Scott Lewis, Kathy Moran, April Skurka, Staci Vincent, Mayor Kline

Others Present: Steve Byron, Law Director
Robert McLaughlin, Chief Building Official
Brandon Hughes, Building Inspector
Danette Gembarski, PZ/ABR Secretary

#1 3695 ORANGE PLACE – COURTYARD BY MARRIOTT – EXTERIOR RENOVATIONS

Present: **Richard Benton - Architect**

PZ/ABR Discussion:

Mr. Benton explained that this is an exterior renovation as part of a relicensing request from Marriott. The colors for this exterior consist of charcoal grays, whites and cedar color.

The Mayor asked if the sign will be changed. The answer was yes, but it is not part of this plan. The sign will be done at a later date.

Mr. Hitt inquired if this is just an exterior refresh. Mr. Benton said yes, along with installing a new porte-cochere in the front. The new structure will be taller which will be beneficial for ambulances and large box trucks. It will have a more contemporary design to meet the brands new image for this property.

The Mayor questioned the drainage of the porte-cochere. He was told it will flow towards the back into a gutter and will find its way to the ground.

Ms. Moran asked about the landscape beds. There are currently no plans for this and will be addressed at a later date.

Ms. Vincent asked if the building will be open during the renovation and the timeframe of this project. It will remain open and they are hoping to be finished by October.

Mr. Lewis asked if the ongoing work will affect the parking area. They will work that out with the contractor when they get on site but do not anticipate any problems with the flow of traffic.

The exterior selections are as follows:

Gray metal siding panel on the lower level of the building which will be composed of several different widths. Above this extending up will be the same existing material in white and there will be new coping which will be the same gray metal.

Ms. Skurka asked about the bay windows and will they remain or be removed. Mr. Benton said originally the plan was to remove them but the construction costs are higher than expected and they may have to rethink their options.

Mayor Kline stated that the plans show the bay windows being replaced by straight metal store front windows and that is what they would be approving tonight. If the plans change they will need to come back to the Committee for re-approval.

A joint motion was made by Ms. Skurka to approve the Courtyard by Marriott exterior renovations at 3695 Orange Place per the plans presented.

Seconded by Ms. Moran

The Mayor wanted to note if there are any changes made with the front façade, signage or landscaping they will need to come back to the Committee with those plans.

Ayes: Ms. Moran, Ms. Skurka, Ms. Vincent, Mr. Lazar, Mr. Lewis, Mr. Hitt and Mayor Kline

No: None

The motion was approved 7-0.

#2 4320 LANDER ROAD – IN-GROUND SWIMMING POOL

Present: **Terry Brennan - High Tech Pools Inc.**

PZ/ABR Discussion:

Mr. McLaughlin stated, the Village Engineer has no issues with the placement of the pool and the proposed landscaping. The pool is the only item being presented to the Committee tonight.

Ms. Moran asked about the fence. It is a 55 inch, black aluminum fence with a double rail on top and single rail on the bottom. It will have two gates that will lock, be self-closing, and will go around the perimeter of the pool. Ms. Moran questioned the picket spacing and Mr. McLaughlin stated that every pool is required by code to have a fence with no larger than 4" spacing to prevent small children from getting through.

A joint motion was made by Mr. Hitt to approve the in-ground pool located at 4320 Lander Road.

Seconded by Ms. Skurka

Ayes: Ms. Moran, Ms. Skurka, Ms. Vincent, Mr. Lazar, Mr. Lewis, Mr. Hitt and Mayor Kline

No: None

The motion was approved 7-0.

#3 3929 BEECHMONT TRAIL – ADDITION TO PREVIOUSLY APPROVED ADDITION

Present: David Leach – The Cornice Company

PZ/ABR Discussion:

The Mayor stated that the reviews from both the Village Architect and Village Engineer are pending.

Mr. Leach recapped that the Committee approved the addition but the applicant is now requesting to extend the room to add a dining room/breakfast area. They would be extending the roof line and adding a 2 x 4 skylight.

The Mayor questioned the curve of the roof. Mr. Leach pointed out on the sketch it is a cricket to keep the water away in order to maintain an egress window in that area.

Mr. Lewis asked about the new fence that is being constructed on the property. He knows there was an existing fence but usually when a new fence is installed it is brought to this Committee. Mr. McLaughlin stated that unless there is a variance this Committee does not approve fences. This fence was on the original site plan that was submitted. It is compliant so the room addition is the only item being brought to the Committee tonight.

Mr. Hitt made a joint motion to approve the addition to 3929 Beechmont Trail subject to the Village Architect and Village Engineer approval and comments.

Seconded by Ms. Vincent

Ayes: Ms. Moran, Ms. Skurka, Ms. Vincent, Mr. Lazar, Mr. Lewis, Mr. Hitt and Mayor Kline

No: None

The motion was approved 7-0.

#4 240 LAKE BALATON, LO 48 – NEW SINGLE- FAMILY DWELLING

Present: No one from Pulte Homes was present. This project will be put on the April 2, 2024 Agenda

#5 209 LAKE BALATON, LO 39 – NEW SINGLE- FAMILY DWELLING

Present: No one from Pulte Homes was present. This project will be put on the April 2, 2024 Agenda

#6 4799 LANDER – NEW SONG CHURCH – U-1 TO S-1 REZONING 3 LOTS AND SEEKING AREA VARIANCE FOR DEVELOPMENT- REPORT AND RECOMMENDATION ORDINANCE #2024-4

Present: Ken Weinberg – KJI Group, LLC

PZ Discussion:

The Mayor stated this item has been referred from Council to the Planning Commission for review and recommendation.

Mr. McLaughlin gave an overview of the proposal. It involves 3 parcels on Lander Road. The front parcel is New Song Church with 2 back parcels making up 13.5 acres. The proposed development would include 17 single family dwelling units and would require rezoning from a U-1 District to an S-1 District to allow for the additional density. The zoning issue is that the S-1 District has a minimum requirement of 25 acre lot size and this development has 13.5 acre lot size. In addition to the request of rezoning it would also need a variance.

Mr. McLaughlin listed all the areas that are currently zoned as an S-1. Mayor Kline stated that the homes on the plans for this development will appear like the homes located on Orange Hill, Orange Tree, and Orangewood. Ms. Vincent asked if this development is a cul-de-sac which the Mayor answered yes.

Ms. Vincent questioned the difference between S-1 and S-1A and Mr. Byron replied S-1A has a commercial component and there are only a portion of these left in the Village.

Mr. Weinberg gave an overview of the proposed development. He started by stating that they want to provide additional housing in the Village since it is a very desirable area. This development would provide single family homes with the smallest lot being .4 acre to larger lots of 1.25 acre that would be located in the rear of the cul-de-sac. They plan on keeping as much green space as possible. The intent is to have the homes built around mature trees. The initial clearing for the project will involve only removing trees for the roadway and utilities.

Mr. Lewis thinks the end of the cul-de-sac seems close to other streets. Mr. Weinberg stated that there are woods and a stream that separate this development from the other properties located behind this development.

Mr. Bryon wondered if the residents that would be affected by this development received a letter from the Orange Village Building Department. Mr. McLaughlin confirmed a letter was sent to all the adjoining property owners as well as the 3 residents across the street. The Mayor added notice was given to Moreland Hills, Mayor Spencer and the residents whose property are located behind the development.

Mr. Weinberg wanted to list the benefits of this development. New Song Church has been vacant for a while so this will be a better use for the land and this project will bring in taxable income to both the Village and the schools.

Mr. Hitt stated his concern with the rezoning is it will put the S-1 District in the center of Orange Village. They have managed the zoning correctly by keeping the character of the Village in the center of town with the U-1 properties. He feels you are able to build 9 homes in this location under the U-1 zoning codes.

Mr. Weinberg said they looked into this scenario and once you put in a street you would only be able to build 7 homes.

Mr. Lewis asked if this would be a viable project with the 7 homes. The answer was no. They tried to make it work without having to request rezoning and a variance but it was not feasible.

Ms. Vincent had a question concerning the sewer and would homeowners on Lander be able to connect. Mr. Byron stated this is a force main sewer and that would not be an option. Mr. Weinberg stated only the homeowners on the street would be connected to this sewer. If they did something more public then the homeowners would need to tie into it. Mr. Byron added that the Board of Health has requirements as to when someone needs to tie in.

Mr. Lewis pointed out that in Mr. Mader's letter it lists all his concerns about the sewer and force main.

The Mayor spoke about the opportunity to regulate backland development and expanded on the idea of developing this project under the U-1 District with 7 housing units and if it would be feasible.

Mr. McLaughlin wanted to clarify what is allowed to be built in a U-1 District. You would need minimum 1.5 acre lots and at least a 150 foot frontage on the right of way. This is the difficulty in building a single family house on these types of lots. Mr. Hitt mentioned that Waterford Court is an example of a U-1 development.

The Mayor introduced the Village Planner, Mark Majewski with Northstar Planning and Design to give some insight. Mr. Majewski explained he did not provide a report because he wanted to take advantage of this meeting with the Developer, the concerns of the Planning Commission and the public comments. He started by saying this is an unusual request for a rezoning and a variance on the proposed zoning. He discussed if this would be a good location for an S-1 District, and if this does become an S-1 how the Village would handle the other developers that want the same building conditions on their lots. They will need to sort out these issues along with the concerns being addressed tonight.

Mr. Lewis is concerned about setting precedent and then denying the next applicant for doing something similar. Mr. Bryon said each property has to be evaluated on their own merits due to different configurations and adjacent parcels that may be zoned differently.

Mr. Byron mentioned two things to remember that are going on simultaneously. One is the variance that is exclusively for Planning and Zoning and Council. If Planning and Zoning does not recommend this it would still need to go to Council. If Planning and Zoning recommends it then it would only take 4 members of Council to grant the variance. It would be written that the variance would only be granted if the rezoning was passed.

The Mayor thanked the residents for coming to this meeting. He asked that each person state their name and address before addressing the Committee.

Joseph Hahn at 30 Sterncrest Drive stated his concerns are the sewer and pump station and how this would affect the drainage on his property. Mr. Weinberg stated that the drainage would go away from their property into a detention pond and would flow back into the Villages system.

Mr. McLaughlin added that the developer would have to submit plans to be approved by the Village Engineer that would include the grading, storm water, basins, water shed, and draining issues.

Mr. Cook at 40 Sterncrest Drive told the Committee his main concern is the average lot size of .4 acres and this is not the character of this area. It was stated that the smallest lot is .4 acre to larger lots of 1.25 acre that would be located in the rear of the cul-de-sac.

Jim Boyle at 31399 Fairview Drive commented that the S- 1 developments are on the outskirts of the Village and this one will be in the residential area. If this is granted then everyone will want to develop this way. He also mentioned the cost of the tie-in to the sewer system and this cost will be very high for the current residents.

Brian Cost at 4810 West Fairview Drive expressed that this development is out of character with the rest of the neighborhood. He mentioned the great amenities the Village offers and he would like to see the Village parlay this property into a Recreation Center and leave the area as a park.

Aaron Ugran at 4729 Lander Road did not understand why this property could not have a septic system. Also he feels this can stay a U-1 District and still be developed. He likes the larger lots and this is why he moved to Orange Village.

Lisa Perry at 4805 Lander Road feels she is the most impacted by this proposal. She started by saying the vacant church has been an issue for a while and she wants to see something done with the property but does not want a Recreation Center to be built. She feels if we allow this variance this will attract backland development and will set a precedent.

Mr. Byron suggested that we have the Village Planner review the amount of backland properties in the Village. He could use this information to make a report in order to give the Committee a better idea if this is granted who would want to develop their property. Mr. Majewski agreed that they could use this study to see what the impacts could be on the Village.

The Mayor stated that Council recommended this to the Planning Committee to study and give their opinion back to Council. It is not fair to everyone involved to do this in one night. The Planning Committee needs the input of Mr. Majewski's report in order to discuss this further and make an informed decision. He would like to table this discussion and carry this to the April 2nd PC/ABR meeting.

The Mayor made a motion to table this agenda item.

Seconded by Ms. Vincent

Ayes: Ms. Vincent, Mr. Lazar, Mr. Lewis, Mr. Hitt and Mayor Kline

No: None

The motion was approved 5-0.

#7 ORDINANCE 2024-5 REFERRED FROM COUNCIL TO AMEND SECTION 1143.06(B) TO REQUIRE HOA DOCUMENTS TO BE SUBMITTED WITH THE FINAL DEVELOPMENT PLAN

Mr. Byron explained that this is cleaning up our Zoning Code. We require to have things like easements for drainage and etc. This will make it a formal requirement that these documents are part of the Planning Commission's final plan review.

Mr. Hitt stated not all properties have an HOA such as commercial property. Mr. McLaughlin suggested changing the terminology to say Property Owners Association E.G. Home Owners Association.

Mr. Hitt made a motion to approve as amended.

Seconded by Mr. Lewis

Ayes: Ms. Vincent, Mr. Lazar, Mr. Lewis, Mr. Hitt and Mayor Kline

No: None

The motion was approved 5-0.

#8 CHIEF BUILDING OFFICIAL'S REPORT

Items on April 2, 2024 PZ/ABR Agenda

- 240 Lake Balaton – New Dwelling
- 209 Lake Balaton – New Dwelling
- Akron Children’s Hospital – Signage
- 508 Crystal Lake – 3 Season Room with a 1.5 FT reduction to 25 FT rear setback
- New Song Church – Rezoning and seeking a variance

#9 ANY OTHER TOPIC FOR DISCUSSION

Mayor Kline wanted to thank the residents and the Committee for having a good discussion tonight. He also wanted to mention he wants to enhance our tree preservation requirements and how we handle the clearing of properties.

#10 MINUTES FROM FEBRUARY 20, 2024 AND MARCH 5, 2024 TO BE APPROVED

A motion to approve the minutes from the February 20, 2024 PZ/ABR meeting was made by Ms. Vincent.

Seconded by Mr. Hitt

Ayes: Ms. Moran, Ms. Skurka, Ms. Vincent, Mr. Lewis, and Mr. Hitt.

No/Abstained: Mr. Lazar and Mayor Kline

The motion was approved 5-0.

A motion to approve the minutes from the March 5, 2024 PZ/ABR meeting was made by Mr. Hitt.

Seconded by Ms. Vincent

Ayes: Ms. Moran, Ms. Skurka, Ms. Vincent, Mr. Lazar, Mr. Lewis, Mr. Hitt and Mayor Kline

No: None

The motion was approved 7-0.

There was no further business, the meeting was adjourned at 8:35 PM.

Danette Gembariski 

Date: 4-3-2024