

MINUTES

Orange Village Planning & Zoning Commission
Architectural Board of Review
Tuesday, September 17, 2024 - 6:30 pm

Mr. Hitt, Vice Chairperson, called the meeting to order at 6:30 p.m. in Mayor Kline's absence.

Members Present: Kathy Moran, Anthony Lazar, Staci Vincent, Brian Hitt and Brent Silver, Council President/Acting Mayor

Members Absent: Mayor Kline, April Skurka and Scott Lewis

Others Present: Steve Byron, Law Director
Robert McLaughlin, Chief Building Official
Brandon Hughes, Building Inspector
Danette Gembarski, PZ/ABR Secretary
Brian Mader, Village Engineer
Mark Majewski, Village Planner

#1 **MILES ROAD WATER LINE AGREEMENT WITH THE CITY OF SOLON –
ORDINANCE NO. 2023-11 RECOMMENDATION TO COUNCIL FOR THE APPROVAL
OF THE CONSIDERED LOCATION OF THE WATER LINE**

Present: **Brian Mader – Village Engineer**

PZ/ABR Discussion:

Mr. McLaughlin stated when this ordinance was first presented a year ago it was not approved. The plan has been revised and the Village Engineer has approved the plan to be recommended to Council.

Mr. Mader explained this water main line that is being referenced is located on Miles Road in the City of Solon and has had issues for years. The City of Solon will construct the new water main in Orange Village but will assume 100% of the cost. Upon the City of Solon's completion of the construction, installation, and testing of the new water main, Orange Village will accept and assume full ownership.

Mr. Mader has no issues with the agreement and is in full support of this project and asset transfer.

The Commission discussed the water main breaks on Miles Road over the years, the construction timeframe, and resurfacing the road.

A motion was made by Ms. Vincent to recommend Ordinance 2023-11 to Council.

Seconded by Mr. Silver

Ayes: Ms. Vincent, Mr. Lazar, Mr. Silver, and Mr. Hitt

No: None

The motion was approved 4-0.

#2

LAKES OF ORANGE PHASE 8 - RECOMMENDATION TO COUNCIL TO ADD PHASE 8 TO THE LAKES OF ORANGE HOMEOWNER'S ASSOCIATION

Present: **Jordan Berns - Represents Kertes Enterprises**
Jeff Plautz – Neff & Associates

PZ/ABR Discussion:

Mr. Hitt addressed all the residents attending tonight's meeting. He stated that everyone will get a chance to express their concerns about the addition of Phase 8 to the Homeowner's Association after the Commission discusses it. He informed them to keep their comments to three minutes.

Mr. Hitt asked Mr. Berns to begin the discussion regarding the addition of Phase 8 to the Home Owner's Association.

Mr. Berns explained this phase will consist of 23 attached and detached homes similar to Phase 7. There is not a plan to create a pathway to connect Phase 8 to the rest of the development, it will not include any commercial, retail or office buildings, and this will be the last phase.

He wanted the residents to understand that this area could be developed for retail or commercial business but the developer is only proposing residential use.

Mr. Plautz from Neff & Associates was next to speak. He reviewed that the development will have attached single-family residents with two, three or four units attached to each other with a one way entry into the cul-de-sac. He also went over the grading, storm water requirements, and the adjacent pump station.

The discussion turned to Mr. Mader answering questions concerning the cul-de sac, setbacks, zoning categories, and variances.

Mr. Majewski reviewed the S-1A District, setbacks, density, required parking in the U-2 District, and consideration of connecting the development.

Ms. Vincent wanted to know since this development will not be connected to the other phases why should this be part of an HOA that is already established.

Mr. Berns explained that it would be very difficult for a 23 home development to be able to operate their own HOA. Also, the amenities that are available to the current residents would be available by the new residents in Phase 8. He concluded that one of the privileges of being a developer of the property is reserving the right to expand the development. This is explained in the documents that establish the Association.

The discussion turned to the developer being in control of the HOA, the number of lots the developer still owns, the number of common lands and lots sold, the timeframe and requirements when the developer turns over the ownership of the association to the homeowners, and the process of selecting the members of the new HOA.

Mr. Hitt allowed the residents to voice their concerns. The main concerns were:

- The HOA should not be run by the developer. The developer receives 5 votes to the homeowner's 1 vote. This gives the developer all the authority and allows him to create and enforce the rules.
- Originally the residents were told that Phase 6 was the last phase. Since then, Phase 7 has been developed and now Phase 8. They do not trust that this will be the last phase.
- If the PZ Commission allows for this phase to be built the developer will be able to remain in control of the HOA for many years.
- The residents calculated that they have the 70% occupancy required to take ownership of the HOA according to the declaration.
- The developer can build Phase 8 but the PZ Commission should not allow this phase to be added to the current HOA since this phase will not be connected.
- The current amenities were not intended to include additional homes. The current residents will be paying additional costs for these new residents.
- When the PZ Commission makes their recommendation to Council they should take into consideration the health and welfare of the residents with keeping the current developer in control.

Mr. Byron wanted to clarify that an HOA is a private organization and any dispute over the change of voting would need to be pursued in another forum. Orange Village does not have authority over the HOA. The Planning and Zoning Commission and Council are obligated to follow the Orange Village Codified Ordinances and Zoning Codes. If a compliant plat is submitted the Village would be obligated to approve it.

Mr. Byron also explained that in the home owner's declaration they need the signed consent of the Village for the addition but, there is no standard for the Village to say no. If there were a health, safety or welfare concern raised then the Village could say no but these concerns have not been presented in tonight's meeting.

The residents disagreed with Mr. Byron's last statement. They feel that the treatment they receive from the current HOA President does affect their health and welfare.

A resident asked if the PZ Commission can approve the plat and deny Phase 8 being added the HOA since each item is listed separately on the agenda.

Mr. Hitt answered yes. He explained that the PZ Commission will vote to either recommend or not recommend to Council. Council will be making the final decision. He also stated that Mayor Kline will be abstaining from this vote since he is a member of the HOA.

Mr. Hitt recommended this project be tabled.

A motion was made by Mr. Silver to table this agenda item.

Seconded by Ms. Vincent

Ayes: Ms. Vincent, Mr. Lazar, Mr. Silver, and Mr. Hitt

No: None

The motion to table was approved 4-0.

#3

LAKES OF ORANGE PHASE 8 – REPORT AND RECOMMENDATION TO COUNCIL REGARDING THE ADOPTION OF ORDINANCE NO. 2024-23 AND APPROVING THE PLAT.

Present: **Jordan Berns - Represents Kertes Enterprises**

PZ/ABR Discussion:

Mr. Byron stated the PZ Commission is unable to vote tonight on ordinance #2024-23 and the plat. The plat is insufficient to submit based on the Village Engineer's report. It was agreed upon to accept another plat to be submitted in return for extending the 30 day deadline for Village Council to either approve or deny the plat.

Mr. Berns confirmed the acceptance of extending the 30 day deadline.

Mr. Byron further explained that Council will need to act promptly on the plat once the PZ Commission gives their recommendation. If the plat is approved a piece of legislation is passed and at that point the residents would need to determine their legal remedies.

A motion was made to table this agenda item by Mr. Silver

Seconded by Ms. Vincent

Ayes: Ms. Vincent, Mr. Lazar, Mr. Silver, and Mr. Hitt

No: None

The motion to table was approved 4-0.

#4 CHIEF BUILDING OFFICIAL'S REPORT

Items on October 1, 2024 PZ/ABR Agenda

384 Blossom Lane – New deck and pavilion
515 Silver Lake Drive – Install pergola on existing deck
4720 Brainard Road – New detached garage
Tree preservation code revision 1375

#5 ANY OTHER TOPIC FOR DISCUSSION

Mr. Hitt stated he will not be attending the October 1st meeting, as well as Mr. Lewis. Mr. Silver will be attending.

Mr. McLaughlin stated a revised plat for Phase 8 will need to be submitted soon in order to get it on the October 1st Agenda. He also discussed the tree preservation code revision that will be on the agenda for the next meeting.

#6

MINUTES FROM AUGUST 6, 2024 TO BE APPROVED

A motion was made by Ms. Vincent to approve the minutes from the August 6th meeting. .

Seconded by Mr. Lazar

Ayes: Ms. Moran, Ms. Vincent, Mr. Lazar, and Mr. Hitt

Abstained: Mr. Silver

No: None

The motion was approved 4-0.

There was no further business and the meeting was adjourned at 8:41 PM.

Danette Gembariski 

Date: 10-16-2024