



Planning Commission

Final Plat

Dover Highlands Subdivision, Phases 3 & 4

App. No. 077-2015-FP

Lafayette Township

Meeting:	September 2, 2015	Sublots:	Phase 3 - 16
Applicant:	Greenhaven Development Co.		Phase 4 - 19
Engineer:	Cunningham & Associates, Inc.	Zoning:	MCBD (Medina City Buffer District) Residential
Site Area:	Phase 3 – 7.9271 acres Phase 4 – 7.2439 acres	Utilities:	Central water and sewer
Open Space:	Phase 3 - 2.1507 acres (27.1%) Phase 4 - none	School Dist.:	Cloverleaf Local
		Reviewer:	Susan Hirsch

EXECUTIVE SUMMARY

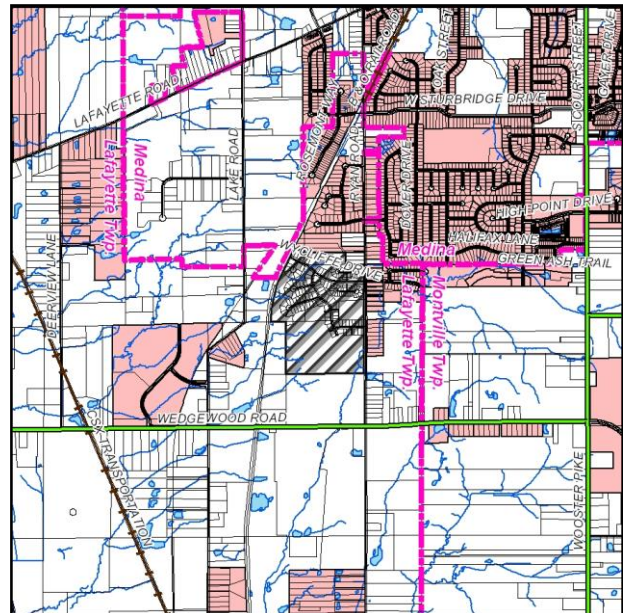
The Dover Highlands Subdivision is located on the west side of Ryan Road, north of Wedgewood Road (S.R. 162) and east of Lake Road. It is also on the east side of the abandoned B & O Railroad tracks/Chippewa Rail Trail. Phases 3 and 4 comprise a total of 15.21 acres and include a total of 35 single-family homes. The development will be served by central water and sanitary sewers.

Staff Recommendation: **APPROVAL WITH MODIFICATIONS**

Proposal: The developer requests approval of Phases 3 and 4 for Dover Highlands Subdivision. Both Phases are consistent with the Preliminary Plan approved in May of 2014. Phases 1 and 2 of the subdivision have been platted and are partially constructed. Neither Phase 1 nor 2 is built out.

Site Conditions: Phases 3 through 7 remain undeveloped, wooded and farmland. This land is rolling with wetlands in the southeast corner and western portion of the site.

Access: Access to the subdivision is exclusively from Ryan Road via Coverdale Way and Wycliffe Drive. There are two streets, Hooper Drive on the south and Wycliffe on the north that stub into the property to the west. Tyndale Lane stubbed into the property to the south on the previously approved Preliminary Plan. This street stub has been removed in response to the elimination of the connecting street in Wedgewood Estates.



Background:

Concept Plan	266 units	131 acres	May 22, 2002
Preliminary Plan	266 units	131 acres	April 9, 2003
Final Plat Phase I	100 units	47 acres	May 5, 2004
Revised Preliminary Plan	281 units	138 acres	July 6, 2005
Final Plat Phase II	50 units	27 acres	July 6, 2005
Preliminary Plan	283 units	138 acres	May 7, 2014

The original Preliminary Plan for the subdivision was approved in April of 2003. That plan consisted of 131 acres and provided for 266 dwelling units. The Final Plat for Phase 1 was approved in May of 2004. Phase 1 included 58 cluster units and 42 single-family sublots. A revised Preliminary Plan was approved in July of 2005 that added 7 acres and 15 sublots. The Final Plat for Phase 2 was approved at the same July 2005 meeting. Phase 2 included 50 sublots. A new Preliminary Plan was approved in May of 2014. This new plan added 2 sublots for a total of 283.

Agency Comments: *Italicized text* indicates quotations from submitting agency comments.

Lafayette Township Zoning Inspector: Alliss Strogin, 8/21/2015. *There is no change from the previously approved site plan, recommend approval.*

Tax Maps: Beth Mika, 8/25/2015. Conditional Approval:

Phase 3:

1. *Per discussion with the Auditor's and Recorder's offices, we would like both parcels to be in the same name and recommend that before the filing the plats, the 7.5 acre parcel be transferred to 'Greenhaven Development Co.', using the legal description found in Document No. 2005OR029852. Otherwise all sublots and blocks created in Phase 3 and 4, plus all future development will carry two names: Greenhaven Development Co. AKA Greenhaven Development Company.*
2. *Remove 'of Maps' from the legal description after the 3rd paragraph as shown on page 3.*
3. *Hatching angle on legend does not match hatching on the plan.*

Phase 4:

1. *Hatching angle on legend does not match hatching on plan*
2. *Bearings and distances are not legible where easements are hatched.*

Medina County Soil and Water Conservation District: Jim Dieter, 8/18/2015. *We have no comments at this time.*

Medina County Highway Engineer: Andy Conrad, 8/13/2015. *Conditional Approved. Ensure sewer and utility easements along Cranmer Circle match the proposed improvements.*

ODOT: Jared Feller, 8/11/2015. *Since the Dover Highlands Subdivision does not have direct access to a state highway, ODOT does not have any objections.*

Medina County Health Dept.: Steve Mazak, 8/11/2015. *Dover Highlands Subdivision Phases 3 & 4 will be serviced by sanitary sewer and public water. Therefore our office has no further comments.*

Medina County Sanitary Engineer: Jeremy Sinko, 8/13/2015. *Phase 4: A sanitary sewer easement was left off the record plat. The record plat must be revised to include the easement before approval is granted.*

Columbia Gas: Russ Johnson, 8/11/2015. *Columbia Pipeline Group does not have any facilities that will be impacted by this proposed project.*

Staff Comments:

1. The Final plats conform to the Lafayette Township Zoning Resolution
2. The proposed subdivision is consistent with the Lafayette Township Comprehensive Plan Update (2010).
3. The proposed Final Plats substantially conform to the approved Preliminary Plan and its conditions of approval with the exception of the addition of a note stating that the 10 foot reservation strip will be rescinded automatically upon further dedication and extension of the street.
4. The Medina City Buffer District (MCB) permits single and two family dwellings with approval by the Board of Zoning Appeals of a conditional use permit for Planned Developments. 25% of the site must be set aside as open space.
5. The original HOA documents were approved by the Prosecutor's Office; any revisions specific to Phases 3 or 4 must be submitted for transmittal to the Township and Prosecutor's Office for review and approval.
6. The Declaration of Restrictions and Protective Covenants for Phases 3 and 4 (Page 3 of each Final Plat) includes a provision (19) that is applicable to cluster homes. There are no cluster homes within these phases; therefore this provision should be deleted.

Staff Recommendation: Staff recommends **APPROVAL WITH MODIFICATIONS** of the Final Plat for Phase 3 and Phase 4 of Dover Highlands Subdivision.

1. Applicant must submit three copies of a corrected Preliminary Plan indicating the revised reservation language prior to the Director signing the Final Plats.
2. Satisfy the comments of the Tax Map Department and the Sanitary Engineer as shown above.
3. If there are additions or amendments to the HOA documents they must be approved by the Prosecutor's Office and the Township prior to the Director signing the Final Plats
4. Phase 4, Final plat must be revised to include the sanitary sewer easement that was left off the plat, per Sanitary Engineer's comment.
5. Delete provision 19, dealing with cluster homes, from the Declaration of Restrictions and Protective Covenants for Phase 3 and Phase 4.

**DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS
FOR
DOVER HIGHLANDS SUBDIVISION PHASE 4**

WITNESSETH:

WHEREAS GREENHAVEN DEVELOPMENT CO., AN OHIO CORPORATION (HEREINAFTER REFERRED TO AS "GRANTOR") IS THE OWNER OF CERTAIN REAL PROPERTY LOCATED IN LAFAYETTE TOWNSHIP TRACT I, LARGE LOT I, LOT 15 KNOWN AS SUBLOTS 169 THROUGH 187, BOTH INCLUSIVE, IN DOVER HIGHLANDS SUBDIVISION PHASE 4,

AND WHEREAS, GREENHAVEN DEVELOPMENT CO., FOR THE PURPOSE OF ESTABLISHING A PLAN OF UNIFORM DEVELOPMENT FOR SUCH REAL PROPERTY, IS DESIROUS OF IMPOSING CERTAIN RESTRICTIONS, AND PROTECTIVE COVENANTS OF SAID PROPERTY,

NOW THEREFORE, GREENHAVEN DEVELOPMENT CO., THE GRANTOR, DOES HEREBY FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, IMPOSE THE FOLLOWING RESTRICTIONS AND PROTECTIVE COVENANTS CONCERNING THE CONDITIONS, LIMITATIONS, RESERVATIONS, EASEMENTS, AND USES UPON THE FOLLOWING DESCRIBED REAL PROPERTY:

SITUATED IN THE TOWNSHIP OF LAFAYETTE, COUNTY OF MEDINA, STATE OF OHIO AND KNOWN AS BEING SUBLOTS 169 THROUGH 187, INCLUSIVE, OF DOVER HIGHLANDS SUBDIVISION PHASE 4 AS SHOWN BY THE PLAT RECORDED IN DOCUMENT NO. _____, OF MEDINA COUNTY RECORDS, THE SAME MORE OR LESS BUT SUBJECT TO ALL LEGAL HIGHWAYS.

1. EACH SUBLOT SHALL BE USED EXCLUSIVELY FOR ONE SINGLE FAMILY RESIDENCE AND GARAGE.

2. EACH HOUSE SHALL HAVE AT A MINIMUM OF A TWO CAR ATTACHED GARAGE. NO BASEMENT GARAGE(S) WILL BE PERMITTED. THE ABOVE FINISHED GRADE LIVING AREA OF THE MAIN STRUCTURE EXCLUSIVE OF OPEN PORCHES AND GARAGES SHALL BE NOT LESS THAN 1600 SQUARE FEET FOR A ONE-STORY DWELLING, 1800 SQUARE FEET FOR A ONE AND ONE-HALF STORY DWELLING, 1800 SQUARE FEET FOR A TWO-STORY DWELLING, 1800 SQUARE FEET FOR A SPLIT LEVEL DWELLING AND 1500 SQUARE FEET FOR A BI-LEVEL DWELLING. THE GRANTOR RESERVES THE RIGHT TO VARY THESE SQUARE FOOTAGE REQUIREMENTS UP TO 10% IF, IN HIS SOLE OPINION, THE DESIGN IS UNUSUALLY GOOD AND IS COMPATIBLE WITH THE OTHER HOUSES IN THE DEVELOPMENT. (DOVER HIGHLANDS ESTATE HOMES AREA)

3. NO NUISANCE, AND NO GAS WELL OR OIL DERRICK, ADVERTISING SIGN OR ADVERTISING DEVICE OTHER THAN A SIGN OF STANDARD SIZE FOR USE IN ADVERTISING THE SALE OR RENT OF THE ABOVE DESCRIBED PREMISES, SHALL BE ERECTED, PLACED OR SUFFERED TO REMAIN ON SAID PREMISES, NOR SHALL THE SAME BE USED FOR THE HOUSING OR PASTURAGE OF POULTRY OR LIVE STOCK OF ANY DESCRIPTION WHATSOEVER, OR FOR ANY PURPOSE WHICH MAY ENDANGER THE HEALTH OR UNREASONABLY DISTURB THE QUIET OR ANY HOLDER OF ADJOINING LAND. ALL SIGNS SHALL BE REMOVED PROMPTLY WHEN PROPERTY IS OCCUPIED BY NEW OWNER, HAS BEEN RENTED OR SOLD.

4. NO TEMPORARY RESIDENCE OR TRAILER OF ANY CHARACTER, EXCEPTING TEMPORARY CONSTRUCTION TRAILERS PERMITTED BY GRANTOR, SHALL BE ERECTED, PLACED OR SUFFERED TO REMAIN UPON SAID PREMISES, NOR SHALL ANY BASEMENT, GARAGE OR INCOMPLETE STRUCTURE THEREON EVER BE USED AS A RESIDENCE.

5. GREENHAVEN DEVELOPMENT CO. RESERVES TO ITSELF OR ITS ASSIGNEE THE POWER TO APPROVE ALL PLANS AND SPECIFICATIONS OF ANY STRUCTURE OR BUILDING OF ANY CHARACTER PROPOSED TO BE PLACED OR ERECTED UPON ANY OF THE SUBLOTS OF THE AFORESAID DOVER HIGHLANDS SUBDIVISION PHASE 4. SUCH POWER SHALL TERMINATE ON JANUARY 10, 2015, OR THIRTY SIX (36) MONTHS AFTER THE SAID GREENHAVEN DEVELOPMENT CO. HAS SOLD AND CONVEYED THE RIGHT, AND INTEREST IN ALL OF THE SUBLOTS ABOVE MENTIONED, WHICHEVER EVENT LATER OCCURS UNLESS SUCH POWER IS VOLUNTARILY TERMINATED AND RELINQUISHED BY THE GRANTOR TO THE OWNERS, PRIOR THERETO, UPON THE TERMINATION OF THE POWER DESCRIBED ABOVE, THE RIGHT OF APPROVAL OF PLANS AND SPECIFICATIONS SHALL AUTOMATICALLY VEST IN ALL OF THE THEN OWNERS OF THE ABOVE MENTIONED SUBLOTS AND SHALL BE EXERCISABLE IN THE MANNER AND ACCORDING TO SUCH PROCEDURES AS THE MAJORITY OF SAID OWNERS SHALL DIRECT.

6. NO STRUCTURE OR BUILDING OF ANY CHARACTER SHALL BE PLACED OR ERECTED OR SUFFERED TO REMAIN UPON ANY OF THE SUBLOTS OF THE AFORESAID DOVER HIGHLANDS SUBDIVISION PHASE 4, WITHOUT FIRST OBTAINING THE APPROVAL OF THE PLANS AND SPECIFICATION THEREFORE BY GREENHAVEN DEVELOPMENT CO., OR ITS ASSIGNEE. SUCH PLANS AND SPECIFICATION SHALL BE SUBMITTED IN DUPLICATE, ONE SET OF WHICH SHALL BE RETAINED BY GREENHAVEN DEVELOPMENT CO., OR ITS ASSIGNEE, IN THE EVENT THAT SUCH PLANS AND SPECIFICATIONS ARE NOT APPROVED, BOTH SETS SHALL BE RETURNED TO THE SUBMITTER. IF GREENHAVEN DEVELOPMENT CO. OR THEN HOLDER OF THE POWER OF APPROVAL FAILS TO EITHER APPROVE OR DISAPPROVE ANY SUCH PLANS AND SPECIFICATIONS WITHIN THIRTY (30) DAYS AFTER THEIR PROPER SUBMITTAL, SUCH PLANS AND SPECIFICATIONS SHALL BE CONSIDERED AS HAVING BEEN APPROVED.

7. GRANTOR FURTHER RESERVES TO ITSELF, IT SUCCESSORS AND ASSIGNS, THE RIGHT TO PERMIT DEVIATION OR GRANT A VARIANCE FROM OR TO CHANGE, WAIVE, OR MODIFY ANY OR ALL OF THESE RESTRICTIONS, IF IN ITS SOLE JUDGMENT THE DEVELOPMENT OR LACK OF DEVELOPMENT OF THE PROPERTY OR AN ADJOINING OR ADJACENT PROPERTY, OR THE TOPOGRAPHY OR OTHER FEATURES OF THE LAND INVOLVED, MAKES SUCH COURSE NECESSARY OR ADVISABLE, WITH THE UNDERSTANDING THAT THE GRANTOR HEREIN MAY ASSIGN OR RELINQUISH THE POWER HEREIN RESERVED IN THE EVENT IT DECIDES TO DO SO.

8. GRANTOR AGREES THAT ANY OWNER OR OWNERS OF THE SUBLOTS IN DOVER HIGHLANDS SUBDIVISION PHASE 4 SHALL HAVE THE RIGHT TO ENFORCE THE FORGOING RESTRICTIONS, RIGHTS, RESERVATIONS, AGREEMENTS, COVENANTS, AND CONDITIONS, AND FAILURE TO TAKE SUCH ACTION SHALL NOT CONSTITUTE A WAIVER OF THE RIGHT TO DO SO THEREAFTER.

9. AREAS ASSIGNED FOR STREETS OF THE DOVER HIGHLANDS SUBDIVISION PHASE 4 PLAT SHALL BE USED FOR S