

Concept Plan - Oak Park Dublin

Conversion of Commercial Subareas to Residential Use

Southwest Corner - Hyland Croy and Mitchell DeWitt Roads

Applicant: Oak Park Dublin, LLC

July 11, 2019

REZONING STATEMENT FOR CONCEPT PLAN

Scope of Project

This Concept Plan proposes conversion of Reserves A and D of the Oak Park Subdivision from commercial use to residential use with twelve single family homes, six in each reserve. This change in use will next require filing of an Amended Preliminary Development Plan that rezones these two subareas to effect this change in use. A necessary adjunct of this process will also be amendment of the Future Land Use Plan of the Community Plan from commercial to residential use for these two reserves. Each of the two reserves are about 1.733 acres for a total of about 3.466 acres.

Background

The current site of the Oak Park Subdivision was originally a 61 acre farm site at the southwest corner of Hyland Croy and Mitchell DeWitt Roads for sale by a local partnership named HC Associates. An established New Jersey real estate development company, Hallmark Homes, desired to begin high quality residential development in Dublin and sought to purchase the site. A significant aspect of the 2005 purchase agreement was that HC Associates required that it would retain a part of the site for commercial development and this requirement was incorporated into the Preliminary Development Plan presented for approval.

Significant elements of the 2006 Planned Unit Development rezoning of Oak Park were:

- Conservation Design allocated about 50% of the site as open space
- Walking/Bicycle paths within site and also accessing Glacial Ridge Metro Park
- Targeted residents included growing families, young professionals and empty nesters
- Mixed use created three land uses: providing for homes, recreation and shopping
 - 72 Single Family home sites of varying sizes
 - 36 attached, zero lot line, three story Townhome units
 - 30+ acres of open space onsite and adjoining Glacier Ridge Metro Park
 - Approximately 40,000 square feet of commercial use
- Architecture inspired by traditional cross-roads English/Irish villages and hamlets
- Four-sided architecture and four-sided materials, a new Dublin commitment
- Architecture and materials consistent across all three developed land uses
- Detailed Architecture specified for all land uses as part of the rezoning

Initial Execution

The Final Development Plan for the single family homes and townhome sections was approved in March of 2007. The Final Development Plan for the commercial portion was filed in July of 2007 but was never taken forward. The Final Plat was approved and filed in January 2008 and the Notice of Commitment for infrastructure improvements was filed in November 2008. The first residents moved into their homes in July 2010.

Challenges for Oak Park

The Great Recession, beginning in 2008, presented challenges for development of all real estate projects and for prospective home buyers. Oak Park's launch was squarely in the problematic time frame. The residential developer, Oak Park Dublin, LLC, ("Oak Park") maintained its commitment to install all of the subdivision infrastructure and to construct multiple initial "spec" homes. The pace of sales and further construction was initially slow however, and the anticipated price points were adjusted downward—as was the case for most residential development in this tough market.

Moreover, the character of this peripheral portion of Northwest Dublin was evolving and the rural "feel" encouraged by the City's planning efforts steered land use toward single family and empty nester users. Oak Park filed a Notice of Commencement for two of the six unit townhome buildings in February 2009 but marketing studies warned that young professionals were not likely to be attracted to the remote, quiet, area and that empty nesters would not be likely to favor the narrow attached townhomes with multiple staircases. The townhomes were never constructed.

Similarly, the retail portion faced its own challenges:

- Expensive materials and architecture costs mandated by the zoning text
- Limited visibility due to the large setback from Hyland Croy Road
- Limited signage mandated by the zoning text
- Evolving development patterns west of Dublin with more competitive commercial sites
- Obligation to pay for percentage of total infrastructure costs in subdivision
- Limited viability of small commercial nodes in remote locations

Oak Park Charts a New Course

The 36 three story townhomes in the Oak Park plan were envisioned as a transition and buffer between the commercial area and the single family homes. As a result, there was planning staff resistance to allowing a land use change that would diminish or remove this element should the commercial be built. As the single family portion of Oak Park neared buildout however, a decision point was reached. If the townhome concept was not revised, the subdivision would shut

down and the townhome portion, which could never be built, would simply stay vacant. A corollary to this fact was the other reality that the commercial would probably never be developed anyway. It was time to take the only reasonable action.

In 2017 Oak Park then asked for an Amended Preliminary Development Plan to rezone the 36 Townhome lots into 20 single family Villa lots of 55' frontage and 124' depth, similar to patio homes, and with development standards that would result in homes similar to the single family homes then in Oak Park. This rezoning and Final Development Plan was approved, and the Villa lots platted in July of 2018.

The Uncomfortable Relationship Between the Residential and Commercial Uses

The residential interface with the integral commercial reserves had been a cautionary aspect for Oak Park buyers from the start, and came to the fore with the immediate proximity of the adjacent new Villa lots. For a number of years, Oak Park had been in inconclusive discussions with the owner of the commercial reserves, which had been sold by HC Associates to JSDI Dublin, Ltd. These discussions had been ongoing for some time, both before and after the Villa lots rezoning. Those discussions eventually resulted in an agreement between Oak Park Dublin LLC, HC Associates, and JSDI Dublin Ltd, that Oak Park Dublin would acquire the commercial land, Reserves A and D, and, would then apply to rezone the sites to residential use. The agreement was signed effective May 1, 2019 and a deed to transfer Reserves A and D to Oak Park Dublin LLC was recorded with the Union County Recorder on June 4, 2019.

Current Status

Oak Park Dublin, LLC now owns the two commercial reserves, Reserves A and D, as well as the adjacent 20 Villa lots. Other than the three remaining single family lots currently under construction, the two commercial reserves and the Villa lots comprise all of the undeveloped land in Oak Park. Oak Park is bound by contract with HC Associates and JSDI Dublin, Ltd to rezone the commercial reserves to residential use. This Concept Plan presents such a plan for rezoning of the two commercial reserves to twelve single family lots, six in each reserve.

The Nature and Character of the Proposed Concept Plan

Key elements of the proposal to rezone Reserves A and D to twelve single family lots:

- Lot size is similar to the range of lot sizes in the Oak Park single family subareas
 - Front lot width of 55' to 65'
 - Lot depths of 130'
- Development standards will be mimic the developed Oak Park single family subareas
- Architecture will use existing approved Oak Park elevations or modifications approvable administratively, similar to the process for the Villa lots
 - *Eg.* existing elevations modified for garage on adjacent non-frontage street
- Result will be homes indistinguishable from existing homes in Oak Park
- No new streets will be constructed

- Four homes will have access from Oak Park Boulevard (public street)
- Remaining eight homes will have access from existing private streets (Oak Tree North and South)
- Existing Oak Tree Drive North and South will be included in a roadway access reserve similar to other existing private streets in Oak Park
 - Oak Park HOA will maintain the newly reserved streets
 - These private streets are already being used by Oak Park residents and were to be utilized by the commercial development.
- Utility facilities are already in place
- On street parallel parking will be included along Oak Tree Drive North and South
 - These parking spaces were previously head-in spaces to serve the commercial on the existing Oak Park plans
- New open space will be provided internal to the rear of homes consistent with other Oak Park lots.
- Particular attention will be paid to the presentation of homes facing Hyland Croy Road to ensure an attractive gateway to the Oak Park subdivision
 - “Mirror Image” homes are anticipated for the two entrance lots on Oak Park Blvd
 - Landscape design features will be similar to western end of Oak Park Blvd in front of clubhouse

Architecture

To amplify the above summary regarding architecture, there are currently a number of approved models for both the existing single family lots and the Villa lots. The “stable” of elevations for the twelve new lots will use any of these plans and the Development Text will so state. Additionally, the Development Text will also empower planning staff to make changes to these approved models. This will enable any modifications necessary to adapt an existing model to a particular lot in this new part of Oak Park. Such an adaption might be changing the access orientation for a garage, decreasing (or expanding) the width of a building, or reorienting a particular elevation to face a different street on a corner lot. Totally new models could also be approved by planning staff. At this mature stage of the Oak Park development, planning staff has acquired the skill and experience to make these sort of adaptations. The success of these efforts is reflected in the current architectural achievements of Oak Park.

Relation to Area Land Planning

The Northwest Glacier Ridge Area Plan and the Hyland Croy Corridor Character Study both emphasize the objective of preserving the rural, open feel of Hyland Croy Road with low intensity clustered residential land uses with large setbacks from the roadway and significant open space. Oak Park effectively follows this lead and the change to residential use of the commercial reserves will improve the Oak Park window to the roadway. The area plan notes that this neighborhood retail center would affect the visual character of Hyland Croy Road; by removing

the visibility needs of this retail center the visual impact along the corridor will be improved and the overall landscape theme improved.

Relation to the Future Land Use Plan

Oak Park falls within the Mixed Residential Rural Transition district which contemplates about 1.5 dwelling units per acre. Existing Oak Park, with 92 residential units, currently matches this target. Adding the twelve new single family lots will raise the total to 104 units, still shy of the original Oak Park total of 108 units. This new residential density is about 1.7 units per acre, still less than Oak Park's original residential density of 1.77 units per acre.

The removal of approximately 40,000 square feet of commercial space which was approved in the original Oak Park rezoning results in a major decrease in the overall intensity of the site. The attached Trip Generation report shows that vehicle movements are dramatically decreased by the conversion of the commercial areas to single family homes. Other positive aspects of removing the commercial use are the elimination of the visual clutter from signage, reduced lighting, elimination of dumpster enclosures and noise from commercial trash pickup, and no nighttime retail hours that would have conflicted with residential quiet times.

Relation to Roadway and Infrastructure Planning

Oak Park has already contributed land and funding to Hyland Croy Road and McKittrick Road improvements, in both City of Dublin and Union County, based on the higher intensity previously planned for the 40,000 square feet of retail use. Similarly, utility infrastructure is now more than adequate for the lesser intensity generated by the proposed downzoning to single family residential use.

Conclusion

We believe that conversion of the retail subareas to single family lots conforming to the already demanding Oak Park architecture and materials standards will be a major step up for both the current Oak Park residents as well as the Northwest Glacier Ridge area as a whole. The removed retail commercial space is now replaced by new, more appropriately sized and located retail commercial areas that are now available to the south on Post Road.

This retail space was not destined for success, as indicated by the fact that it never was developed. More importantly, it created the potential for conflict with the single family land use of Oak Park and operated as a negative element for the attraction and appeal of the subdivision.