

## 19-100Z/PDP – Oak Park

### Summary

This is a request for review and recommendation of approval to City Council of a rezoning with preliminary development plan of a ±3.5-acre site within the Oak Park neighborhood from commercial to residential to allow for future construction of up to 12 single-family homes and 0.66-acre of open space.

### Next Steps

Upon approval a recommendation from the Planning and Zoning Commission the application will be forwarded to City Council for review and final approval.

### Site Location

The site is located on the west side of Hyland-Croy Road, approximately 650 feet southwest of the intersection of Hyland-Croy Road and Mitchell-Dewitt Road.

### Property Owners

Oak Park Dublin, LLC

### Applicant

Christopher Cline, Attorney – Haynes, Kessler, Myers and Postalakis

### Applicable Land Use Regulations

Zoning Code Section 153.050-153.056

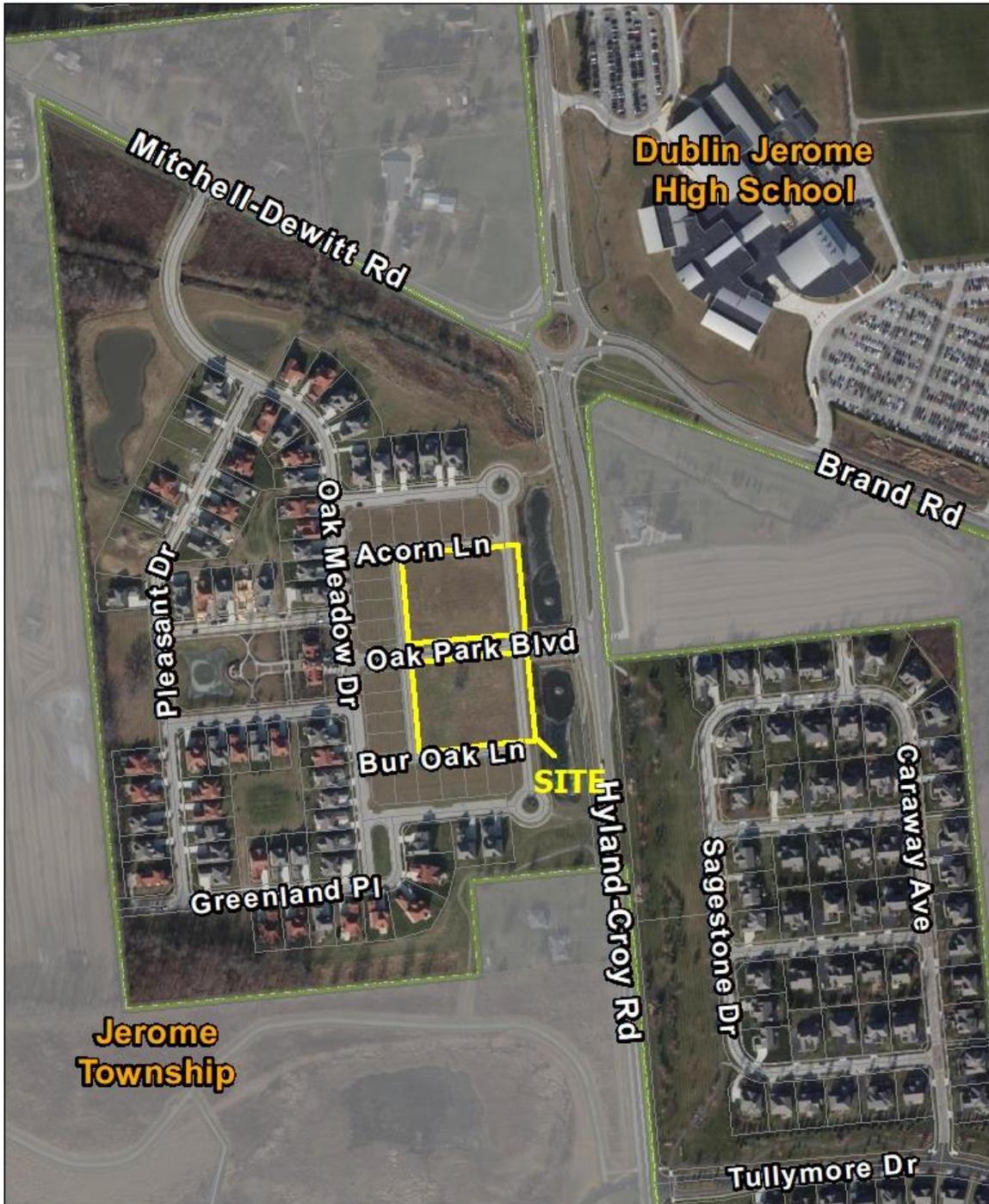
### Case Manager

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### Zoning Map



### 1. Context Map



 <p>City of Dublin</p>	<p>19-100Z/PDP Rezoning/Preliminary Development Plan Oak Park, Subarea E 7050 &amp; 7055 Oak Park Boulevard</p>	<p>0 155 310 Feet</p>	
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## 2. Overview

### Background

#### *Current Application*

The Planning and Zoning Commission reviewed and provided informal, non-binding feedback on a concept plan for a portion of Subarea E in Oak Park, on August 22, 2019 for the potential development of 12, single-family homes where commercial development is currently permitted. The Commission was generally in support of the request to rezone the area to allow for a change in use. The Commissioners expressed concerns regarding existing private streets, including maintenance and current conditions. The Commissioners discussed the potential future cost burden to the HOA and the residents, and the extent to which the HOA would be responsible for maintenance and upkeep of the private drives. The Commission discussed the proposed layout of the site, as well as their desire to see increased connectivity to the proposed open spaces. The Commission suggested that the applicant work with neighborhood residents to find a plan that worked for both the applicant and the residents.

A resident of the Oak Park spoke as a representative of the neighborhood and gave a presentation outlining the issues the neighborhood has with the proposal, including the future costs to the HOA of maintaining the private drives and the general layout of the site. A majority of the neighborhood supported the presenter.

#### *Previously Approved Applications*

City Council approved Ordinance 52-17 for the rezoning with preliminary development plan to convert an area previously approved for 36 townhome units to single-family lots within Subarea D on September 11, 2017 based on a recommendation of approval by the Planning and Zoning Commission on July 13, 2017. Prior these approvals, the Planning and Zoning Commission reviewed and provided informal feedback for three options to convert the 36 approved townhome units to single-family lots within Subareas D on November 10, 2016. The Commission supported the conversion to single-family homes and encouraged the applicant to pursue developing this and the commercial properties together. With the subareas under different ownership, it was determined that this was not feasible to do so at the time.

The Planning and Zoning Commission reviewed and approved an amended final development plan to modify the development text to allow a one-foot front yard setback for the townhome units located in Subarea D on August 7, 2008.

The Planning and Zoning Commission reviewed and approved a final development plan and final plat for the subdivision and development of 108 residential units on a 61-acre site on March 15, 2007.

City Council reviewed and approved Ordinance 74-06 to rezone 61 acres from R, Rural District to PUD, Planned Unit Development District (Oak Park) for the development of 108 residential units, approximately 40,000 square feet of mixed-use space, and 31 acres of open space on November 20, 2006.

### Site Characteristics

#### *Natural Features*

The site is currently undeveloped and contains no significant natural features.

### *Historic and Cultural Facilities*

The site is not located within the Historic District and does not contain any known historically contributing structures or artifacts.

### *Surrounding Land Use and Development Character*

North: PUD: Oak Park (Single-Family Residential)

East: PLR: Planned Low Density Residential District (Single-Family Residential)

South: PUD: Oak Park (Single-Family Residential)

West: PUD: Oak Park (Single-Family Residential)

### *Road, Pedestrian and Bike Network*

The site consists of two reserves, located between four private drives and divided by Oak Park Boulevard, which is a public street. A shared use path exists along the eastern portion of the site and runs north and south along Hyland-Croy Road.

### *Utilities*

The site is served by public utilities, including sanitary and water. Electrical and gas are also provided on site.

## **Proposal**

This is a proposal for the zoning and development of 12 single-family lots, two new open space reserve and associated site improvements. The site is currently zoned PUD – Oak Park, Subarea E which allows for commercial development including small-scale retail and restaurant uses, among others, up to 39,700 square feet.

## **Community Plan/Future Land Use**

The Community Plan shows the Future Land Use for this site as a Mixed-Use Neighborhood Center, based on the land use approved when the Plan was most recently updated. This designation is intended to provide daily retail uses and personal services for the convenience of neighborhoods in which they are located. Integrated residential uses are highly encouraged, and neighborhood centers should coordinate with surrounding Low and Medium Density Mixed Residential uses to provide support and pedestrian activity. This proposal necessitates a rezoning to allow for a change in permitted uses from commercial to residential uses. Additionally, this proposal would result in less impactful uses on the area than what the current zoning allows.

## **Neighborhood Contact**

Staff has been in contact with the residents of Oak Park throughout this process and met with residents at the proposed site in October of 2019. The residents made Staff aware of several concerns with the proposal including, but not limited to, the financial burden of maintaining private drives, the general site layout and the proposed side yard setbacks. Staff has encouraged the residents to attend any public meeting for this application.

Neighborhood concern regarding the financial burden of maintaining additional private drives is significant. Both the applicant and the neighbors have discussed this issue with little to no resolution. The drives were approved as part of the original zoning in 2006, the expected maintenance of the drives included the potential commercial tenants, however that area is limited to the ±500 linear feet.

With exception of portions of Oak Tree Drive North and Oak Tree Drive South, the private drives are outside of the geographical boundaries of this rezoning. Due to this fact, the issue of the private drives is not under the purview of the Commission and is outside of the geographic and legal boundaries of this case. Any requests regarding the conversion of private drives to public streets may be addressed through a separate review process at City Council.

## **Proposal Details**

### *Layout*

This proposal includes a portion of the existing Subarea E. The proposed site is rectangular in shape and consists of two vacant parcels with little vegetation and no significant natural features. The parcels are separated by the existing Oak Park Boulevard. The site is located west of Hyland-Croy Road and is bound by Acorn Lane and Bur Oak Lane on the north and south sides, respectively.

The proposal is for 12 single-family lots on 3.47 acres and two open spaces, accounting for 0.66-acre of the site. The lots surround the green spaces on two sides, while the existing street network surrounds the other sides of the greenspaces. Eight of the lots will face Oak Tree Drive North and South (private drives) while the remaining four homes will face Oak Park Boulevard (public). The lots range in size from 0.16-acre to 0.22-acre in size with widths ranging from 55 feet to approximately 70 feet. Lot depths range from 130 feet to 135 feet. A sidewalk connection is proposed around the entirety of both parcels, with portions of the sidewalk directly adjacent to the private drives.

The applicant has proposed sidewalk improvements outside of the boundaries of this rezoning and preliminary development plan. Staff recommends that the applicant continue to work with staff to ensure that all improvements are made within the geographic boundaries of this plan.

### *Subareas*

The proposed rezoning with preliminary development plan is applicable to a portion of Subarea E, specifically Reserves A and D. The remaining portions of Subarea E will remain under the existing zoning. Staff recommends the applicant revise the text to create a new subarea, Subarea E1 and provide updated maps illustrating the two parcels being rezoned, prior to City Council review.

### *Traffic/Access*

The main access to the site is from Hyland-Croy Road along Oak Park Boulevard, which provides access to the homes through the various drives and streets adjacent to the site. A portion of the homes have driveway access on a private drive in the development.

Twelve on-street parking spaces are proposed on Oak Tree Drive, six on Oak Tree Drive North and six on Oak Tree Drive South. Sidewalks are proposed along the Oak Tree Drive and Oak Park Boulevard frontages, as well as along the private drives.

The applicant provided a trip generation analysis that shows the proposed 12 detached, single-family homes significantly reduce the trip generation compared to the original zoning. Therefore, the change is not expected to impact the public infrastructure.

### *Stormwater Management/Utilities*

A series of detention basins were constructed as part of the original Oak Park development to accommodate both water quantity and water quality per the requirements as defined in Chapter 53. The proposal is encompassed within the East Subarea as defined in the original Oak Park stormwater management report, which drains to the existing east basins along Hyland-Croy Road. The applicant has demonstrated the proposed 12 single-family lots will add less impervious area than originally programmed as part of the original Oak Park development and has demonstrated compliance with stormwater management requirements as defined in Chapter 53.

Existing sanitary and water mainline has been constructed as part of the original Oak Park development. The proposed improvements include abandoning existing water and sanitary services that are no longer needed in addition to new services that were not originally constructed in order to provide water and sanitary service for all 12 proposed single-family lots.

### **Development Text**

The development text is the regulating document that outlines the development standards for the site including uses, lot requirements, architecture details, and materials. The applicant has provided a development text with standards specific to this PUD Subarea, but largely consistent with the development standards approved within Subarea D.

### *Uses*

Detached single-family homes and open space reserves are the only permitted uses in the proposed development text. Unless otherwise specified in the submitted drawings or in the written development text, the development standards of Chapter 153 of the City of Dublin Code shall apply to this area.

### *Development Standards*

Twelve single-family lots are proposed with a minimum lot depth of 130 feet. The lots will have a minimum width of at least 55 feet. Lot sizes range from 0.16-acre to 0.22-acre. These requirements are largely consistent with the rest of Oak Park; however, these lots are deeper than those in Subarea D.

Lot coverage is limited to 60% of the total lot area. This is the same lot coverage permitted for all single-family lots within Oak Park.

The proposed front yard setbacks are a minimum of 20 feet, rear yard setbacks are a minimum of 15 feet, and side yard setbacks are a minimum of 6 feet. The proposed side yard setbacks are consistent with the rest of Oak Park. The proposed rear yard setbacks are smaller than the rear yard setbacks for most of Oak Park, with the exception of Subarea D. Most of Oak Park has 25 feet rear yard setbacks, whereas Subarea D has 10 feet rear yard setbacks. The proposed rear yard setback is to accommodate the 20 feet minimum front yard setback, where most of the neighborhood - with the exception of Subarea D, has a front yard setback that ranges from a minimum of 13 feet to a maximum of 20 feet.

Window wells may encroach into the required side yard setback with a maximum of 3.5 feet, provided that the side yard is at least six feet and there is a minimum of eight feet of separation between these permitted encroachments on adjoining lots, as measured from the nearest corners of the window wells. Air conditioners and other HVAC or service structure units may encroach into side yard setback a maximum of 2.5 feet, provided the side yard is at least 6 feet and the structure is screened per Code.

### *Landscaping*

As described in the landscaping section the proposed text, two new open space reserves will be provided, each approximately 0.33-acre in size. These spaces will be owned and maintained by the Oak Park homeowners association, to be consistent with the remainder of the neighborhood.

Four trees are proposed to be removed from the site. A tree replacement plan was not provided at this time, therefore staff recommends the tree replacement plan be provided with the submission of the final development plan.

Fencing and landscape hedge requirements are unchanged from the original Oak Park development text for consistency.

### *Architecture*

The Oak Park development is unique in its detailed architectural requirements and the neighborhood theme, which is inspired by English and Irish garden cities with a park-like ambience and sense of quality.

The newly created lots shall conform to the same architectural standards as the rest of Oak Park, with minor changes or exceptions. Exterior materials in this area will remain consistent with the rest of Oak Park, and four-sided architecture shall be required.

The proposed text includes language that would permit mirror image versions of the same model of home if located at Oak Park Boulevard and either Oak Tree Drive North or South. This is proposed to create an entry feature into the neighborhood when entering from Hyland-Croy Road.

## **3. Criteria Analysis**

Rezoning with Preliminary Development Plan Analysis [§153.055A]

- 1) The proposed development is consistent with the purpose, intent and applicable standards of the Zoning Code;  
Criterion Met with Condition. This proposal is consistent with the purpose, intent and applicable development standards of the Zoning Code requirements, except as altered in the proposed development text to create unique and specific standards for this proposal. The applicant should update the text and plans to create a new Subarea, to clarify the boundaries of this rezoning from the remainder of the neighborhood.
- 2) The proposed development is in conformity with Community Plan, Thoroughfare Plan and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network;

Criterion Met. The proposal was deemed to be largely consistent with the Community Plan and Thoroughfare Plan recommendations as well as the existing development character of the neighborhood. The proposal would result in a less impactful uses on the area than what the current zoning allows and the Future Land Use designates for the site.

- 3) The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;  
Criterion Met. This proposal provides for an orderly development and will improve the surrounding area. It is consistent with the existing design standards of the neighborhood.
- 4) The proposed uses are appropriately located in the city so that the use and value of property within and adjacent to the area will be safeguarded;  
Criterion Met. The development is appropriately located within the City and is an example of the type of a development type appropriate for this area.
- 5) Proposed residential development will have sufficient open space areas that meet the objectives of the Community Plan;  
Criterion Met. The existing Oak Park PUD contains approximately 50% open space. This proposal contains an additional 0.66-acre of open space.
- 6) The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;  
Criterion met with Condition. The proposal will have to adhere to Code for any removal and replacement of the limited vegetation on site. A tree replacement plan was not provided at this time, therefore staff recommends the tree replacement plan be provided with the submission of the final development plan.
- 7) Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;  
Criterion Met. The applicant has worked with staff to ensure adequate provision of infrastructure is available.
- 8) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;  
Criterion Met. Primary access to the proposed site will be from existing adjacent public streets and private drives. This proposal also reduces the intensity of uses from commercial to residential uses.
- 9) The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development and maintains the image of Dublin as a quality community;

Criterion Met. The proposal includes setbacks and development standards that are largely consistent with the existing standards in the Oak Park PUD. These standards maintain the image of Dublin as a quality community.

- 10) The density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans contribute to the orderly development of land within the city;

Criterion Met. The proposed layout and intensity are appropriate for this site.

- 11) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;

Criterion Met. The development includes provisions for stormwater management via existing storm sewer and existing retention basins. The proposal also reduces the impervious surface area of the site.

- 12) The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Zoning Code or Subdivision Regulation, and that any such deviations are consistent with the intent of the Planned Development District regulations;

Criterion Met. The proposed design, site arrangement and anticipated benefit to the City will be ensured through the proposed development text.

- 13) The proposed building design meets or exceeds the quality of the building designs in the surrounding area and all applicable appearance standards of the city;

Criterion Met. The preliminary development includes design standards largely consistent with the existing standards in the neighborhood for a consistent, high-quality development.

- 14) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;

Criterion not Applicable. The development will not be phased.

- 15) The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area;

Criterion met. The development will be adequately serviced by existing public and planned infrastructure.

- 16) The applicant's contributions to the public infrastructure are consistent with the Thoroughfare Plan and are sufficient to service the new development.

Criterion not Applicable. The proposal does not include any contributions to the public infrastructure.

## 5. Recommendations

The proposal is consistent with all of the applicable review criteria contained in the Zoning Code and **Approval** is recommended with the following conditions:

- 1) That the applicant update the text and plans to create a new Subarea, to clarify the boundaries of this rezoning from the remainder of the neighborhood;
- 2) That the applicant provide a topography map and associated materials as outlined in Code Section 153.054(B)(5)(f);
- 3) That the applicant provide a tree replacement plan with the submission of the final development plan;
- 4) That the applicant work with Staff to ensure that all improvements are within the boundary of the rezoning area prior to the Final Development Plan; and,
- 5) That the applicant continue to work with staff to ensure that all proposed driveways are able to be constructed to Code standards prior to the Final Development Plan.