

Preliminary Plat
Oak Park Dublin
SW Corner Hyland Croy and Mitchell DeWitt Roads
Applicant: Oak Park Dublin, LLC
October 22, 2019

**PRELIMINARY PLAT STATEMENT FOR REPLAT OF RESERVES A AND D OF
SUBAREA E, OAK PARK**

Scope of Project

This Preliminary Plat proposes re-platting of Reserves A and D of Subarea E of the Oak Park Subdivision from a commercial use to a residential use with twelve single family homes, six in each reserve. This proposal will rezone the new single family residential land use for the site and will remove the zoning for the commercial uses. 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. Reserve A is about 1.733 acres and Reserve D is about 1.735 acres for a total rezoning of about 3.46 acres.

Reserves A and D are surrounded on all sides by developed private and public streets with all utilities (sewer, water and storm) already in place. Several existing water and sewer service lines will be abandoned and new extensions provided to serve the proposed lots. These are indicated on the Preliminary Utility Plan provided with the Preliminary Development Plan

The balance of Subarea E, which is owned by the City of Dublin and used for park uses is not affected by this rezoning.

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 were 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
 - About 40,000 square feet of commercial use focused on retail uses.
- 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
- Architecture, in detail, *specified for all land uses as part of the rezoning*

Conservation Design

Conservation Design was a land use approach which Dublin followed at the time of the initial PDP. As the original PDP is considered for revision, it must be understood that there are features of Oak Park that continue to be either influenced or dictated by Conservation Design.

The Conservation Design approach maximized open space and clustered residential uses in designated areas rather than being dispersed throughout a development site. In theory, the same density would be achieved. In the case of Oak Park, about one half of the total site was open space with the residential and commercial uses being concentrated in a central area on the remaining one half. For the smaller buildable areas, Conservation Design virtually presents as an urban, rather than suburban approach.

The result is that, while a much larger percentage of open space is obtained overall, the residential and commercial uses are concentrated on smaller amounts of land than was traditional in the case of conventional zoning approaches. In the case of Oak Park, homes are located on smaller lots than would otherwise be typical for the same size home. This affects multiple development standards, examples being building setbacks, lot size and lot coverage. This proposed rezoning for the final twelve new lots continues the approach which was adopted for Oak Park, which is a nearly complete subdivision. This provenance must be remembered and the Oak Park model not directly compared to the characteristics of typical suburban residential developments.

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 local real estate projects as well as 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 floors and 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.

Ideally, both the townhome and commercial subareas would have been combined in a new single family subarea. However, two landowners, one for the townhome subarea and one for the commercial subareas were involved. Oak Park Dublin, LLC owned only the townhome subarea (Subarea D) and could plan and request rezoning only for that subarea. Efforts to bring both

subareas under a single residential land use were not successful. Oak Park Dublin, LLC, proposed a plan for the land it controlled.

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 104' 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, after the Villa lots rezoning, 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. There were also agreements and financial concessions regarding the new Villa lots, necessary so that the Villa lots could contractually replace the former 36 townhome lots. 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.

It would have been nice if the agreements with the other two parties involved could have been made prior to the Villa lot rezoning. But that didn't happen and both Oak Park Dublin, LLC and the City of Dublin Planning Commission and City Council worked with the plan that was achievable at the time. That plan, for the Villa lots, is not now subject to change.

Note also that other aspects of Oak Park, such as the private street areas currently subject to Oak Park HOA control, are not part of either the Villa lot rezoning or the rezoning of Reserves A and D proposed by this AFDP.

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 Preliminary Development Plan (Amended) presents such a plan for rezoning of the two commercial reserves to twelve single family lots, six in each reserve, that will be consistent with the appearance and quality of the existing developed Oak Park homes, as well as the approved rezoning for the Villa homes, which are not yet built.

The Nature and Character of the Proposed Preliminary Development Plan (Amended)

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
 - Lot minimum width of 55' up to 69'
 - Lot depths minimum of 130'(existing Oak Park residential lot depth is 125')
- Development standards will 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
 - *e.g.*, 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; existing streets will service the new homes
 - Two homes will have frontage and access from Oak Park Boulevard (public street)
 - Remaining eight homes will have access and frontage on existing private streets; Oaktree North and South, Bur Oak Lane, Acorn Lane, Shumard Oak Lane and Chinkapin Oak Lane as well as Oak Park Boulevard.
 - Existing Oaktree 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 but will need to be modified and extended.
- ,On street parallel parking will be included along Oaktree 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 areas to the west.
- 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.

Architecture

To amplify the above summary regarding architecture, there are currently about 25 approved models for both the single family lots and the Villa lots. This “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 successfully 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 Glacier Ridge subarea plan of the Community 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 overall residential density is about 1.69 units per acre, still less than Oak Park's original residential density of 1.76 units per acre.

However, the removal of the 40,000 square feet of commercial retail space that was previously included in Oak Park's total impact 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 aspects of the commercial use are also positive, examples are elimination of the visual clutter from signage and lighting, noise from commercial trash pickup, and 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, McKittrick Road and Mitchell DeWitt Road improvements, in both City of Dublin and Union County. These contributions were 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.

Significantly, Oak Park will now have what it never had before and which every subdivision needs: a residential “front door” that showcases the neighborhood and presents an inviting image to future potential homeowners.

An additional benefit will be that Oak Park will have a marketable mix of residential demographics combining single family and empty nester uses (anticipated for the Vila homes), a long term planning goal for City of Dublin residential developments.

The current retail concepts for Reserves A and D of Subarea E 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.

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