



CITY OF DUBLIN.

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PLANNING REPORT

PLANNING AND ZONING COMMISSION

SEPTEMBER 4, 2008

SECTION I - CASE INFORMATION

4. Community Commercial District Code Amendment Administrative Request
08-075ADM Zoning Code Modification

Proposal: The addition of educational uses including day cares, tutoring centers, and recreational uses as permitted and conditional uses in Zoning Code Section 153.028, (CC, Community Commercial District) and an amendment to the parking standards within Code Section 153.212.

Request: An administrative request to amend the Zoning Code under the provisions of Code Section 153.234.

Applicant: Jane S. Brautigam, City Manager, City of Dublin.

Planning Contact: Tammy Noble-Flading, Senior Planner.

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Case Summary

This application proposes modifications to Section 153.028 of the City of Dublin Zoning Code which addresses Permitted and Conditional Uses in the Community Commercial District. The proposed modification would address several requests from the business community for uses that are typical of a commercial zoning classification but not specifically listed in the Dublin Zoning Code.

Work Session Update

This application was reviewed by the Planning and Zoning Commission as a work session item on August 7, 2008. At that time the Commission discussed the uses and suggested the uses be included in the Zoning Code primarily as Conditional Uses, with the exception of two uses that would be Permitted Uses if limited to a maximum size.

SECTION II - REVIEW STANDARDS

Case Procedure

The current Code Section 153.232(B) grants the Planning and Zoning Commission the ability to review "amendments to the zoning map and to the zoning ordinance and recommendation of action to Council." Attached to this Planning Report are current Code sections for the CC, Community Commercial Zoning districts. These sections include language in blue which are

proposed, based on the discussion below. The Commission should review the modifications, provide input where necessary, and vote on the changes. The draft amendments will then be forwarded to City Council for final review and approval.

Analysis

Currently, the Zoning Code fails to address commercial day care centers, tutoring services or certain recreational categories. Planning has recently, and over the years, received requests for these uses and concludes there is benefit to the community in including them in certain zoning districts. As part of this application, Planning also analyzed the parking standards of the Code and has concluded that there are applicable standards in place for these uses and therefore no modifications to this section are proposed. The parking standards are enclosed with the appropriate standards highlighted. Below is a summary of these uses and the proposed Code changes.

Day Care Use and Tutoring Services

This is currently permitted, on a smaller residential care level, in several of the residential districts, and commercially only within certain Planned Unit Development (PUD) Districts. The use is prevalent throughout communities and provides accessible care facilities, for all populations, within commercial areas. This is a deficiency in the Code and Planning is proposing a modification that would address the issue.

Education tutoring services provide educational assistance beyond services available in a public or private school setting. These may include ancillary services such as recreational activities for children. The uses are not currently listed in the City of Dublin Zoning Code and should be included as the conditional use in the Community Commercial District under the same category of use, Personal and Consumer Services.

Based on the needs of these uses and the likelihood that some outdoor recreational area will be needed, the Commission felt these uses may warrant additional reviews provided by the Conditional Use process. Planning has prepared language that allows day care facilities and tutoring services in the Community Commercial District as Conditional Uses. Additionally, no distinction is proposed for the day cares services as suggested by the Commission in order to allow all populations to be served.

Recreational Uses

The Code does not include certain entertainment-type uses that provides for a variety of functions oriented to a various age groups and interest. These include primary uses such as an arcade and a live music and dance venue. The Code modification would also permit associated activities that support the primary uses, such as serving food and drink and a recording studio. Meeting room facilities for the general public would also be provided. The Code does not currently address these uses or provide designations in any commercial or industrial areas.

Planning has prepared language that allows these recreational uses in the Community Commercial District as a Permitted Use provided they do not exceed 5,000 square feet. Once the use exceeds 5,000 square feet, it would be a Conditional Use.

SECTION III - RECOMMENDATION: Discussion and Approval to City Council

In Planning's opinion, the amendments addressing day care services, tutoring and recreational type uses provide the community with additional locations for essential uses. A recommendation to City Council for approval is requested for these amendments.

**3. Educational Use Code Amendment
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Administrative Request

Jamie Adkins said the purpose of this request is to address the lack of educational uses in the Zoning Code by including day cares and tutoring services in the CC, Community Commercial District and to receive informal feedback on their appropriateness. She explained that the educational uses must be added because the use was not located in any district. Ms. Adkins said entertainment uses for music and dance were also contemplated. She asked if the Commission thought that should be left in the CC, Community Commercial District and if that was an appropriate classification.

Mr. Zimmerman pointed out that as Dublin's population ages, it would need an elder daycare use included. He asked if it would be considered generally a daycare facility.

Mr. Walter suggested removing the word, *child* from the daycare uses. He said the he did not think they should be a permitted use in a CC District because there have been many conversations around vehicular access, play structures locations, and the operating hours. He said if they were allowed in a CC District, the ability to work with applicants to make them as successful as they can will be lost.

Ms. Adkins said they could be added as conditional uses, which they are in some planned districts because of the traffic impacts of drop-off and pick-up timing issues. She said if a conditional use was deemed appropriate, it would be reviewed by the Commission. Mr. Walter said it was very appropriate as a conditional use.

Mr. Zimmerman suggested *daycare services* be used instead of *child daycare*.

Ms. Adkins confirmed that *tutoring* should also be in the conditional use category. Mr. Fishman agreed it should because there is group tutoring. He could not recall a daycare that was not complicated and it should be left as is.

Richard Taylor said the type of use is appropriate for this area in terms of the kinds of activity it can generate and the people that will be there. However, he agreed that the details of the structures, the use, and the traffic should be reviewed conditionally.

Mr. Walter asked for further discussion about the entertainment use. Ms. Adkins said there is nothing in the Code that permits live music and/or dancing or general indoor entertainment uses and it needs to be included, possibly as a conditional use because of the impacts. She suggested that indoor meeting space or indoor dining in association with the entertainment uses could be included in this one category.

Mr. Walter said he had trouble including that use as a conditional use because he did not see the need. He said a retail storefront can serve food and have a children's play structure that was similar to any other kind of use already included. He questioned why that should go through a conditional use process. Ms. Adkins said the intent was to limit the hours of operation, noise impacts, and impacts of group gathering spaces, which are issues looked at with a conditional use, but including it as a conditional use is not required.

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Ms. Amorose Groomes asked if the use proposed would include some adult entertainment without alcohol. Ms. Adkins said the use would not be that specific, but that was one of the targets. She said some business owners have considered that same kind of establishment for young adults which the Code does not permit now.

Mr. Walter said it was fine if the use was needed, but he did not think it needed to go through a conditional use process.

Ms. Amorose Groomes, Mr. Zimmerman, and Mr. Fishman wanted the Commission to review most of those things. Mr. Fishman said other uses in a shopping center could be overloaded when there was a large function. Mr. Zimmerman said a conditional use would give the Planning and the Commission a chance to look at the use to make sure it fits into the community.

Mr. Taylor said a restaurant would have either fixed or removable seating and that would limit the occupancy. He said in an open floor dance hall in an assembly use, there will be a much higher occupancy density and there is the potential for a lot more people. He said there will be times in some shopping centers when a place like that is busy and the other stores are closed and it will not be an issue, but restaurants in a shopping center with a very intense use like that, could have an impact on the parking and other patrons. He said he would like to see something that the Commission can consider.

Ms. Adkins suggested a compromise similar to what was done with indoor fitness uses. She said over a certain square footage, the larger facilities had to come back as a conditional use.

Mr. Walter asked if there was a way to target this use. He said the youth and young adult audiences were significantly different types. He suggested allowing youth oriented entertainment venues and then having conditional uses for the others. He said uses that are regularly encouraged, such as children's birthday party places and things like that should not have to come through a conditional use process, incurring time, energy, and expense. He said for the uses that the Commission wants to look at more closely that impact the area, he did not know how to draw the line. He said he did not think these categories did that well enough.

Mr. Fishman said a restaurant like Chuck E. Cheese has a high capacity of so many people per square foot. However, he said these uses can affect the character of a shopping center as far as parking. He said not enough was known about who was going to apply to make it a use.

Mr. Walter asked Planning to define what they were trying to do. Ms. Adkins said they are working on language, but since there was nothing out there, they are trying to group these into an entertainment category. She agreed to look at how this could be broken down and restricted.

Mr. Zimmerman invited those in the audience who wished to speak to come forward.

David Davis, 6121 Red Winesap Way, said that he ran a similar program in Columbus that was kind of like Chuck E. Cheese meets Dave and Busters. He said it was where the preteens and young adults could go after school to eat, play video games, congregate to meet people, and to dance or hear live entertainment that is not in an alcohol or smoke-filled venue. He said they ran such a place at the Continent for two or three years, they had an impeccable record with the Columbus Police, and had never had one incident of any kind with 600-700 kids. He said they had strict dress codes and police officers at all times. He said he understood the concept of

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conditional uses. He said there was a definite need for this kind of program for kids to go to because there is nothing to do in Dublin.

Mr. Davis said regarding the adult side of it, one of the fastest growing entertainment areas now is called Christian Rock. He said that the problem is finding a place that can hold a large enough audience serve alcohol and they obviously do not want to play in those places and the places do not want them because they do not consume alcohol.

Mr. Taylor said what Mr. Davis had described sounded fabulous and he had not heard any objections from anyone. He agreed that the Commission would like to have the opportunity to review the potential impact on neighboring businesses.

Mr. Walter suggested there be a square footage requirement.

Mr. Fishman said he thought these uses should be conditional uses, and each case should be reviewed for approval by the Commission.

Mr. Davis said regarding parking, the average use in Columbus was one car per thirty or forty people because they were young adults, often dropped off by parents that visited.

Ms. Adkins said Planning would bring back something to the Commission at a future meeting, and the Parking Code will need to be updated as well for this use.

Mr. Davis said that he had been a pleasure working with the Planning Department and Ms. Adkins. He said they had gone above and beyond to work with him and develop this for the past 3 ½ months.

Mr. Zimmerman said the work sessions were a benefit if someone wanted to establish a business in Dublin because they can bring their ideas, it is very low cost, and Planning will work with them and show the steps necessary where it is not a full-blown application.

PROPOSED CODE CHANGE

§ 153.028 COMMUNITY COMMERCIAL DISTRICT.

(A) *Permitted use.* The following uses shall be permitted in the Community Commercial District:

(1) *Retail stores.* Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods, including the buying or processing of goods for resale.

(a) *General merchandise.*

5251 Hardware stores

531 Department stores

532 Mail order houses

533 Limited price variety stores

539 Miscellaneous general merchandise stores

(b) *Food.*

541 Grocery stores

542 Meat and fish (sea food) markets

543 Fruit stores and vegetable markets

544 Candy, nut and confectionery stores

545 Dairy products stores

546 Retail bakeries

549 Miscellaneous food stores

(c) *Automobile sales.*

551 Motor vehicle dealers (new and used cars)

552 Motor vehicle dealers (used cars only)

553 Tire, battery and accessory dealers (without installations)

559 Miscellaneous aircraft, marine and automotive dealers

(d) *Building materials.*

521 Lumber and other building materials dealers

PROPOSED CODE CHANGE

522 Heating and plumbing equipment dealers

524 Electrical supply stores

525 Hardware and farm equipment

(e) *Apparel.*

561 Men's and boys' clothing and furnishings stores

562 Women's accessory and specialty stores

563 Women's ready-to-wear stores

564 Children's and infants' wear stores

565 Family clothing stores

566 Shoe stores

567 Custom tailors

568 Furriers and fur shops

569 Miscellaneous apparel and accessory stores

(f) *Home furnishings.*

571 Furniture, home furnishings and equipment stores

572 Household appliance stores

573 Radio, television and music stores

(g) *Food and lodging.* Food and lodging includes commercial establishments, and institutions engaged in furnishing lodging and meals on a fee basis.

581 Eating and drinking places

7013 Motels

702 Rooming and boarding houses

(h) *Miscellaneous retail.*

591 Drug stores and proprietary stores

592 Liquor stores

593 Antique stores and secondhand stores

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PROPOSED CODE CHANGE

- 594 Book and stationery stores
- 595 Sporting goods stores and bicycle shops
- 597 Jewelry stores
- 5992 Florists
- 5993 Cigar stores and stands
- 5994 News dealers and news stands
- 5996 Camera and photographic supply stores
- 5997 Gift, novelty and souvenir shops
- 5998 Optical goods stores
- 5999 Miscellaneous retail stores, not elsewhere classified.

(2) *Administrative, Business and Professional Offices.* Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and possessions.

(a) *Finance.*

- 602 Commercial and stock savings banks
- 603 Mutual savings banks
- 604 Trust companies not engaged in deposit banking
- 605 Establishments performing functions closely related to banking
- 612 Savings and loan associations
- 613 Agricultural credit institutions
- 614 Personal credit institutions
- 615 Business credit institutions
- 616 Loan correspondents and brokers
- 671 Holding companies
- 672 Investment companies

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PROPOSED CODE CHANGE

673 Trusts

679 Miscellaneous investing institutions

(b) *Insurance carriers.*

631 Life insurance

632 Accident and health insurance

633 Fire, marine and casualty insurance

635 Surety insurance

636 Title insurance

639 Insurance carriers not elsewhere classified

(c) *Insurance agents.*

641 Insurance agents, brokers and service

(d) *Real estate.*

651 Real estate operators (except developers) and lessors

653 Agents, brokers and managers

654 Title abstract companies

655 Subdividers and developers

656 Operative builders

661 Combinations of real estate, insurance, loans, law offices

(e) *Business services.*

731 Advertising

733 Duplicating, addressing, blueprinting, photocopying, mailing, mailing list, and stenographic services

734 Services to dwellings and other buildings

739 Business services not elsewhere classified

(f) *Repair services.*

762 Electrical repair shops

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PROPOSED CODE CHANGE

- 763 Watch, clock and jewelry repair
- 764 Reupholstery and furniture repair
- 769 Miscellaneous repair shops and related services

(g) *Professional.*

- 801 Offices of physicians and surgeons
- 802 Offices of dentists and dental surgeons
- 803 Offices of osteopathic physicians
- 804 Offices of chiropractors
- 807 Medical and dental laboratories
- 8099 Health and allied services not elsewhere classified
- 811 Legal services
- 891 Engineering and architectural services
- 893 Accounting, auditing and bookkeeping services

(3) *Personal and consumer services.* Personal services generally involving the care of the person or his personal effects. Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption.

(a) *Personal.*

- 722 Photographic studios, including commercial photography
- 723 Beauty shops
- 724 Barber shops
- 725 Shoe repair shops, shoe shine parlors and hat cleaning shops
- 726 Funeral service
- 727 Pressing, alteration and garment repair
- 729 Miscellaneous personal services

(b) *Business.*

- 731 Advertising

PROPOSED CODE CHANGE

732 Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collecting agencies

733 Duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services

735 News syndicates

736 Private employment

739 Business services not elsewhere classified (except 7391 - research, development and testing laboratories (see 1159.02(c)(1))

(c) *Fitness and Recreational Sports Centers.*

Physical fitness centers

Exercise centers

Health club facilities

Recreational sports club facilities

Gymnasiums

In addition to all other applicable development standards, the facility providing fitness and recreational sports shall be limited to less than 15,000 square feet of gross floor area.

(d) *Pet Care (except Veterinary and Kennel) Services.*

Pet grooming services

Pet sitting services

Pet training services

The facility providing pet care services shall not include an outdoor recreation area and shall not be located less than 500 feet from any residential district or use.

In reviewing the Conditional Use request, the Planning and Zoning Commission may reduce the minimum distance from any residential district or use.

(e) *Arts and Recreation.*

Arcades

Musical groups (except musical theater groups)

Bands, dance

PROPOSED CODE CHANGE

In addition to all other applicable development standards, the facility shall be limited to less than 5,000 square feet of gross floor area.

Musical theater companies or groups

(4) *Sexually oriented business establishment.* A commercial establishment including adult cabaret, adult store, or adult theater primarily engaged in persons who appear nude/semi-nude, live performances, films or other visual representations, adult booths, or sale or display of adult material.

(a) In addition to all other applicable development standards, no person shall operate, locate, or permit the location of a sexually oriented business establishment within 750 feet (as measured from property line to property line) of any residential use or district, school, preschool, daycare, place of worship, park, library, federal, state, county, township or city building, cemetery, or other civic use or public use (within the City of Dublin or other municipality).

(b) No person shall operate, locate, or permit the location of a sexually oriented business within 750 feet (as measured from property line to property line) of another sexually oriented business establishment.

(Ord. 72-99, passed 7-19-99; Am. Ord. 68-99, passed 9-5-00)

(B) *Conditional use.* The following uses shall be allowed in the Community Commercial District, subject to approval in accordance with § 153.236.

(1) *Auto-oriented commercial facilities or outdoor service facilities.* Auto-oriented service facilities or outdoor service facility developed independently or in association with a permitted use.

(2) *Residential.* Living quarters as an integral part of a permitted use structure.

(3) *Consumer services.* Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption.

(a) *Arts and Recreation.*

71 Arts, Entertainment and Recreation containing 5,000 square feet or more of gross floor area, including:

Arcades

Musical groups (except musical theater groups)

Bands, dance

PROPOSED CODE CHANGE

7831 Motion picture theaters

7911 Dance halls, studios and schools

7921 Theatrical producers, except motion pictures, bands, orchestras and entertainers (theater)

7931 Bowling, billiards and pool

7944 Swimming pools

7945 Skating rinks

Fitness and Recreational Sports Centers of 15,000 square feet or more of gross floor area, including:

Physical fitness centers

Exercise centers

Health club facilities

Recreational sports club facilities

Gymnasiums

Conference Centers, no promotional events (rental or leasing)

Recording studios, sound, operating on a contract or fee basis

(b) Educational

Day Care Facilities

Tutoring Services

Mechanical or electrically operated amusement devices as defined in § 112.15 may be operated in connection with the recreation uses listed herein subject to the provisions of §§ 112.15 et seq.

(b) Automotive.

751 Automotive rentals, without drivers

(4) Offices of veterinarians and animal hospitals.

0722 Offices of veterinarians and animal hospitals

(5) Large format retail. Any retail or wholesale use of 20,000 square feet or more of gross floor area.

PROPOSED CODE CHANGE

(6) *Wireless communications facilities* as conditional uses in all applicable districts.

(7) *Park and Rides*. An off-street parking facility, publicly owned and operated, designed or intended to provide peripheral collection and parking of vehicles to accommodate commuter traffic into or out of the community, including a maximum of one structure per use, such as bus passenger shelters, terminals and transfer stations. Any such structure may not exceed 50 square feet for bus shelters and 500 square feet for terminals and transfer stations.

In addition to all other applicable development standards, the following standards shall also apply to Park and ride terminals and transfer stations:

- a. The design and architecture of shelter, terminals and transfer stations must be harmonious with the architectural character of surrounding areas.

(C) *Development standards*. In addition to the provisions of §§ 153.070 through 153.076, the following standards for arrangement and development of land and buildings are required in the Community Commercial District.

(1) *Intensity of use*. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these development standards and the following provisions:

(2) *Lot width*. No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.

(3) *Side yard*. A side yard shall be required adjacent to a residential zoning district or planned residential zoning district as listed in § 153.016. These required side yards shall be not less than one-fourth the sum of the height and depth of the building, but in no case shall be less than 15 feet.

(4) *Rear yard*. A rear yard shall be required adjacent to a residential zoning district or a planned residential zoning district as listed in § 153.016. These required rear yards shall be not less than one-fourth the sum of the height and width of the building, except when adjacent to a dedicated alley of not less than 20 feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than 40 feet wide.

EXISTING PARKING CODE

§ 153.212 MINIMUM NUMBER OF PARKING SPACES REQUIRED.

The minimum number of off-street parking spaces required shall be not less than that as set forth in the following table: *Sq. Ft. means square feet of gross floor area*

<i>TYPE OF USE</i>		<i>MINIMUM PARKING SPACES</i>
<i>Residential</i>	One or two-family dwelling	2/dwelling unit
	Housing for elderly	1/dwelling unit
	All other dwelling units	2.5/dwelling unit
<i>Office</i>	Administrative or business	1/250 sq. ft.
	Medical or dental	1/200 sq. ft.
<i>Institutional</i>	Church	1/each 30 sq. ft. of sanctuary, auditorium or main place of worship
	Day or nursery schools	1/teacher/employee + 1/6 students
	Elementary schools	2/classroom + 1/60 sq. ft. of auditorium or assembly hall
	High school, business, technical or trade school, college or university	2/classroom, + 1 for every 20 students for which the facility is designed, or 1/60 sq. ft. of auditorium or assembly hall, whichever is greater
	Library, museum or art gallery	1/250 sq. ft. + 1/each employee on largest shift
	Auditorium, stadium, conference center or other place of assembly	1/25 sq. ft.
	Hospital	2.5/bed + 1/each employee on largest shift
	Nursing home	1/6 beds + 1/each employee on largest shift
<i>Commercial</i>	Commercial or business service uses, including retail centers less than 100,000 sq. ft. except as otherwise specifically provided for herein	1/150 sq. ft. + 1/200 sq. ft. of storage area
	Vehicle service station	2/vehicle service station + requirements for vehicle repair
	Bank	1/250 sq. ft. + 1/employee on largest shift
	Beauty or barber shop	1/200 sq. ft.

<i>TYPE OF USE</i>		<i>MINIMUM PARKING SPACES</i>		
	Pet Care Services (sitting and boarding)	1/10 animals + 1/each employee on largest shift		
	Pet Care Services (training and grooming)	1/250 sq. ft.		
	Funeral home	1/150 sq. ft. + 1/business vehicle		
	Lumber yard, furniture or large appliance store	1/200 sq. ft.		
	Motel or hotel	1/rental unit + 1/employee on largest shift + 1/150 sq. ft. conference or meeting area + required spaces for restaurant and lounge		
	Restaurant, tavern, night club lounge or dance hall	1/50 sq. ft.		
	Vehicle sales	1/300 sq. ft. + 1/1,000 sq. ft. outdoor display area		
	Vehicle repair	1/100 sq. ft. or 3/each service bay, whichever is greater		
	Shopping center	Over 100,000 to 500,000 sq. ft.	5½ /1,000 sq. ft.	
Over 500,000 sq. ft.		5/1,000 sq. ft.		
<i>Entertainment/ Recreation</i>	Bowling alley	5/lane + spaces for restaurants		
	Golf driving range	1/tee + 1/employee on largest shift		
	Miniature golf	1½/hole + 1/employee on largest shift		
	Skating rink (ice or roller)	1/300 sq. ft.		
	Swimming facility	1/75 sq. ft. + 1/30 sq. ft. of spectator area + 1/employee on largest shift		
	Theater, auditorium or assembly hall	1/3 patrons based on maximum capacity		
	Fitness and Recreational Sports Centers	1/250 sq. ft.		
<i>Industrial</i>	All laboratories and all manufacturing production, fabrication and printing	1/employee on largest shift + 1/ business vehicle normally on premises operations		
	Warehousing	1/ business vehicle +	Up to 20,000 sq. ft.	1/1,000 sq. ft.
			10,000 to 120,000 sq. ft.	1/5,000 sq. ft.
			Over 120,000 sq. ft.	1/10,000 sq. ft.