



City of Dublin

**Office of the City Manager**

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# Memo

**To:** Members of Dublin City Council  
**From:** Dana L. McDaniel, City Manager   
**Date:** November 12, 2015  
**Initiated By:** Vince A. Papsidero, FAICP Director of Land Use and Long Range Planning  
Claudia D. Husak, AICP, Planner II  
**Re:** Ordinance 91-15 - Amending the Zoning Code Sections 153.002 (Definitions) and 153.028 (Community Commercial-CC District) of the Dublin Code of Ordinances to Permit Business Training as a Permitted Use. (Case 15-103ADMC)

## Summary

This is a request by the applicants for review and recommendation of approval to City Council to amend a portion of the Zoning Code to provide for a new use in the Community Commercial (CC) District for "Educational Facility – Business Training."

## Background

The Community Commercial (CC) District was most recently updated in 2009 to address tutoring uses and daycare facilities in the conditional uses section of the district. Prior to that, the district was amended to add pet care services and fitness related uses. There are currently eight parcels within the City zoned CC, and several Planned Unit Development texts refer to this district for permitted uses.

The CC district is one of the original standard zoning districts and to this day largely relies on the antiquated SIC system for use classifications. Planning has, in recent years, made several Code amendments pertaining to permitted and conditional uses without reference to SIC Codes. The largest such update included use tables for the Bridge Street District and a complete overhaul of the use definitions.

The applicant approached Planning with a request for an office tenant that also trains employees on equipment to be located in an office building zoned CC. Planning determined that there was no use permitted in CC that includes employee training. The educational uses permitted in the CC district are limited to tutoring and daycare.

## Summary of Modifications

Two elements of the Code are proposed for amendment: §153.002, (A) Uses Definitions; and §153.028(A) Permitted Uses.

*Uses Definitions: §153.002 (A)*

Most uses provided for in the Zoning Code have specific definitions, as contained in Section 153.002, (A) Uses Definitions. Given the range of potential interpretations for the proposed use, an addition to the definition for *Educational Facility* is necessary. Planning and the applicant agree that adding the “employee” to the definition provides an additional option for training and education and will therefore cover the intended use.

*Community Commercial District Permitted Uses: §153.028 (A)*

The applicant has requested the *Educational Facility – Business Training* under the Business Services category of the permitted administrative, business and professional offices section of the CC District. Planning has determined this approach as appropriate as it will affect few sites within the City and can potentially add an opportunity for additional combined office and training uses.

The proposed modification to the Zoning Code for the Community Commercial District is appropriate and provides for a use that is of value to Dublin’s business community and workforce development, and therefore the residents as the City will be able to attract an additional employment market.

**Planning and Zoning Commissions Recommendation**

The Commission reviewed this proposal at their November 5, 2015 meeting and recommended approval to City Council of the Code Amendment as proposed.

**Recommendation**

Planning recommends City Council approval of Ordinance 91-15 at the second reading/public hearing on December 7, 2105.

# RECORD OF ORDINANCES

Ordinance No. 91-15 Passed \_\_\_\_\_, 20  

**AN ORDINANCE AMENDING THE ZONING CODE SECTIONS 153.002 (DEFINITIONS) AND 153.028 (COMMUNITY COMMERCIAL-CC DISTRICT) OF THE DUBLIN CODE OF ORDINANCES TO PERMIT BUSINESS TRAINING AS A PERMITTED USE. (CASE 15-103ADMC)**

**WHEREAS**, it is necessary from time to time to amend Dublin’s Zoning Code to protect the health, safety and welfare of the citizens of the City of Dublin; and

**WHEREAS**, Section 153.028 of the Dublin Codified Ordinance contains information relates to the permitted and conditional uses in the CC, Community Commercial District; and

**WHEREAS**, Section 153.232 of the City of Dublin Zoning Code empowers the Planning and Zoning Commission to review and recommend amendments to the Zoning Code; and

**WHEREAS**, the Planning and Zoning Commission reviewed the proposed amendments on November 5, 2015 and recommended adoption to the City Council because it serves to improve the health, safety and welfare of the citizens of the City of Dublin.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Dublin, \_\_\_\_\_ of its elected members concurring, that:

Section 1. Section 153.002 (A)(5), Uses Definitions - E, of the City of Dublin Zoning Code is hereby amended and shall provide as follows:

(19) Uses Definitions – E

(c) Educational Facility. A facility offering classes, training courses, or skill development to the public, employees or to members of an organization. This use includes but is not limited to vocational, business, or technical schools, training centers, colleges, and universities, but does not include an elementary, middle or high school.

Section 2. Section 153.028(A)(2)(e), Community Commercial District, District Uses, of the City of Dublin Zoning Code is hereby amended and shall provide as follows:

(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

# RECORD OF ORDINANCES

Ordinance No. 91-15 Passed Page 2 of 3, 20    

- 672 Investment companies
- 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
    - Educational Facility - Business Training
- (f) *Repair services.*
  - 762 Electrical repair shops
  - 763 Watch, clock and jewelry repair
  - 764 Re-upholstery 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
  - 809 Health and allied services not elsewhere classified
  - 811 Legal services

# RECORD OF ORDINANCES

Ordinance No. 91-15

Passed Page 3 of 3, 20    

891 Engineering and architectural services

893 Accounting, auditing and bookkeeping services

Section 4. This ordinance shall be effective on the earliest date permitted by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor - Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of Council



City of Dublin

Land Use and Long  
Range Planning

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## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

**NOVEMBER 5, 2015**

The Planning and Zoning Commission took the following action at this meeting:

**4. Community Commercial District – Zoning Code Amendment  
15-103ADMC**

**Administrative Request**

Proposal: Amendments to Zoning Code Sections 153.002 Definitions and 153.028, Community Commercial (CC) District of the Dublin Code of Ordinances to permit business training as a permitted use.

Request: Review and recommendation of approval to City Council for proposed amendments to the Zoning Code under the provisions of Zoning Code Section 153.234.

Planning Contact: Claudia D. Husak, AICP, Planner II.

Contact Information: (614) 410-4675, [chusak@dublin.oh.us](mailto:chusak@dublin.oh.us)

**MOTION:** Ms. Newell moved, Mr. Stidhem seconded, to recommend approval to City Council for amendments to the Zoning Code.

**VOTE:** 5 – 0.

**RESULT:** The Zoning Code Amendments were forwarded to City Council with a recommendation of approval.

**RECORDED VOTES:**

Victoria Newell	Yes
Amy Salay	Yes
Chris Brown	Yes
Cathy De Rosa	Absent
Robert Miller	Absent
Deborah Mitchell	Yes
Stephen Stidhem	Yes

### STAFF CERTIFICATION

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Claudia D. Husak, AICP  
Planner II



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Range Planning

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## PLANNING AND ZONING COMMISSION

### MEETING MINUTES

NOVEMBER 5, 2015

#### AGENDA

- |    |   |   |
|----|---|---|
| 1. | <b>BSD - SCN - Big Sandy Superstore – Signs<br/>15-090MSP</b>               | <b>6825 Dublin Center Drive<br/>Master Sign Plan (Discussion)</b>                     |
| 2. | <b>NE Quad, Subarea 3 - Wyandotte Woods<br/>15-024INF</b>                   | <b>Wyandotte Woods Boulevard<br/>Informal Review (Discussion)</b>                     |
| 3. | <b>Churchman Road – Public Right-of-Way Dedication<br/>15-071PP/FP</b>      | <b>7650 Cosgray Road<br/>Preliminary Plat/Final Plat (Approval Recommended 5 – 0)</b> |
| 4. | <b>Community Commercial District – Zoning Code Amendment<br/>15-103ADMC</b> | <b>Administrative Request (Approval Recommended 5 – 0)</b>                            |

[.....]

- |    |   |                               |
|----|---|-------------------------------|
| 4. | <b>Community Commercial District – Zoning Code Amendment<br/>15-103ADMC</b> | <b>Administrative Request</b> |
|----|---|-------------------------------|

#### Motion and Vote

Ms. Newell moved, Mr. Stidhem seconded, to approve the Administrative Request. The vote was as follows: Ms. Mitchell, yes; Ms. Salay, yes; Mr. Brown, yes; Mr. Stidhem, yes; and Ms. Newell, yes. (Approved 5 – 0)

[.....]

# Planning Report

Thursday, November 5, 2015

## Zoning Code Amendment

### Case Summary

Agenda Item	4
Case Number	15-104ADMC
Proposal	Amendments to Zoning Code Sections 153.002 Definitions and 153.028, Community Commercial (CC) District of the Dublin Code of Ordinances to permit business training as a permitted use.
Request	Review and recommendation of approval to City Council of a Zoning Code amendment under the provisions of Section 153.234.
Applicant	Chris Bradley, Nationwide Realty Investors, represented by Matthew Cull, Kephart Fisher LLC
Planning Contact	Claudia D. Husak, AICP, Planner II.
Contact Information	(614) 410-4675, <a href="mailto:chusak@dublin.oh.us">chusak@dublin.oh.us</a>
Planning Recommendation	<b><i>Recommendation of approval to City Council.</i></b> The proposed modification to the Zoning Code for the Community Commercial District is appropriate and provides for a use that is of value to Dublin's business community. Planning recommends that the Planning and Zoning Commission recommend approval of this amendment to City Council.

<b>Facts</b>		<b>Zoning Code Amendment</b>
Case Summary	This is a request by the applicants for review and recommendation of approval to City Council to amend a portion of the Zoning Code to provide for a new use in the Community Commercial (CC) District for "Educational Facility – Business Training."	
Background	<p>The Community Commercial (CC) District was most recently updated in 2009 to address tutoring uses and daycare facilities in the conditional uses section of the district. Prior to that, the district was amended to add pet care services and fitness related uses. There are currently eight parcels within the City zoned CC and several Planned Unit Development texts refer to this district for permitted uses.</p> <p>The CC district is one of the original standard zoning districts and to this day largely relies on the antiquated SIC system for use classifications. Planning has, in recent years, made several Code amendments pertaining to permitted and conditional uses without reference to SIC Codes. The largest such update included use tables for the Bridge Street District and a complete overhaul of the use definitions.</p> <p>The applicant approached Planning with a request for an office tenant that also trains employees on equipment to be located in an office building zoned CC. Planning determined that there was no use permitted in CC that includes employee training. The educational uses permitted in the CC district are limited to tutoring and daycare.</p>	

<b>Details</b>		<b>Zoning Code Amendment</b>
Process	Code Section 153.232(B)(9) provides the Planning and Zoning Commission with "other powers and duties" which includes making recommendations to City Council for amendments to the Zoning Code. The Commission should review the modifications, provide input, and vote on the changes. The proposed amendment will be forwarded to City Council for its consideration. The following sections summarize the major components and considerations of each section of the zoning regulations proposed for the amendment.	
153.002 Definitions	Most uses provided for in the Zoning Code have specific definitions, as contained in Section 153.002, (A) Uses Definitions. Given the range of potential interpretations for the proposed use, an addition to the definition for <i>Educational Facility</i> is necessary. Planning and the applicant agree that adding the 'employee' to the definition provides an additional option for training and education and will therefore cover the intended use.	

Details		Zoning Code Amendment
153.028 (A) Permitted Uses	The applicant has requested the <i>Educational Facility – Business Training</i> under the Business Services category of the permitted administrative, business and professional offices section of the CC District. Planning has determined this approach as appropriate as it will affect few sites within the City and can potentially add an opportunity for additional combined office and training uses.	
Analysis		Zoning Code Amendment
Review Considerations	The Zoning Code does not provide for specific review standards for Zoning Code text amendments. However, there are certain considerations that are appropriate when considering an application for these amendments. These are provided below, along with relevant analysis. The Commission is not limited to these considerations, and may choose to give each its own weight as part of the deliberations for a recommendation to City Council.	
<i>Intent and Purpose</i>	<p><i>Whether the amendment is consistent with the intent and purpose of this Chapter and the Community Plan.</i></p> <p><b>Guideline Met</b></p> <p>One of the components of the CC District is a broad range of commercial uses with a focus on retail and office. This use provides a service used by employers and is appropriate use in this district. Even though this applicant is providing training to employees as they relate to automobiles, the proposed language does not limit the type of training provided.</p>	
<i>Error or Omission</i>	<p><i>Whether the change is the result of an error or omission in the original text.</i></p> <p><b>Guideline Met.</b></p> <p>Given the age of the Code, it is difficult to know the considerations that first went into determining which uses would be addressed in the Code and in what districts they would be placed. The use of the antiquated system of SIC classifications complicates any discussion of uses within the Code, particularly given their degree of specificity.</p>	
<i>Area Effects</i>	<p><i>The potential effects on areas that are most likely to be directly affected by the change.</i></p> <p><b>Guideline Met.</b></p> <p>The proposed amendment does not include any use that would affect the exterior of a building or site and the use can be accommodated within the confines of the existing buildings in the CC District.</p>	
<i>Creation of Nonconformities</i>	<p><i>Whether the change might result in the creation of significant nonconformities on properties in the city.</i></p> <p><b>Not Applicable</b></p>	

<b>Recommendation</b>	<b>Approval</b>
Approval	The proposed modification to the Zoning Code for the Community Commercial District is appropriate and provides for a use that is of value to Dublin’s business community and workforce development, and therefore the residents as the City will be able to attract an additional employment market. Planning recommends that the Planning and Zoning Commission recommend approval of this amendment to City Council.