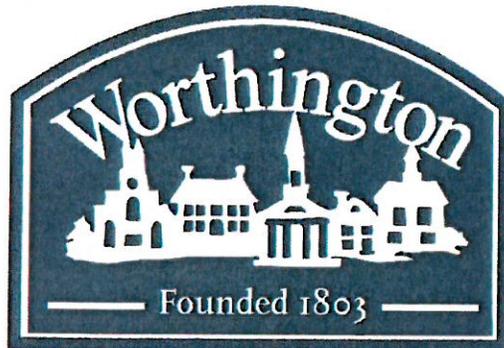


# APPLICATION TO THE WORTHINGTON CITY COUNCIL

*– for the establishment of a –*

## DOWNTOWN WORTHINGTON DESIGNATED OUTDOOR REFRESHMENT AREA

*O.R.C. 4301.82*



**Office of the City Manager**

The Office of the City Manager of the City of Worthington, Ohio, respectfully submits the following application to the Worthington City Council to approve and enact the Downtown Worthington Designated Outdoor Refreshment Area, in accordance with O.R.C. 4301.82.

Submitted April 10, 2017

By

A handwritten signature in blue ink, appearing to read "Matthew H. Greeson", is written over a horizontal line.

Matthew H. Greeson, City Manager



## TABLE OF CONTENTS

I.	INTRODUCTION AND SUBMITTAL OF APPLICATION.....	3
II.	BOUNDARIES.....	4
III.	NATURE OF ESTABLISHMENTS.....	5
IV.	QUALIFYING PERMIT HOLDERS.....	6
V.	LAND USE & ZONING.....	7
VI.	PUBLIC HEALTH & SAFETY.....	8

## I. INTRODUCTION AND SUBMITTAL OF APPLICATION

Section 4301.82 of the Ohio Revised Code (ORC) authorizes, effective April 30, 2017, municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas or “DORAs.” In order to consider creation of a DORA, the City Manager must file an application with the Worthington City Council (City Council) which meets certain statutory requirements. The application filing must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, the City Council may approve or disapprove of the application by ordinance or resolution.

On March 13, 2017, the Old Worthington Partnership (Partnership) submitted a letter requesting the City Council adopt legislation to create a DORA in Old Worthington. The Partnership expressed that enactment of such legislation would help “maintain the experiential nature of our historic downtown” by enhancing outdoor dining and special events.

The City Council discussed this request and was provided background related to creation of a DORA on April 3, 2017. The City Council provided input and expressed general support for the concept and indicated by its discussion a desire for this application to be prepared as the next step in considering enactment of a DORA.

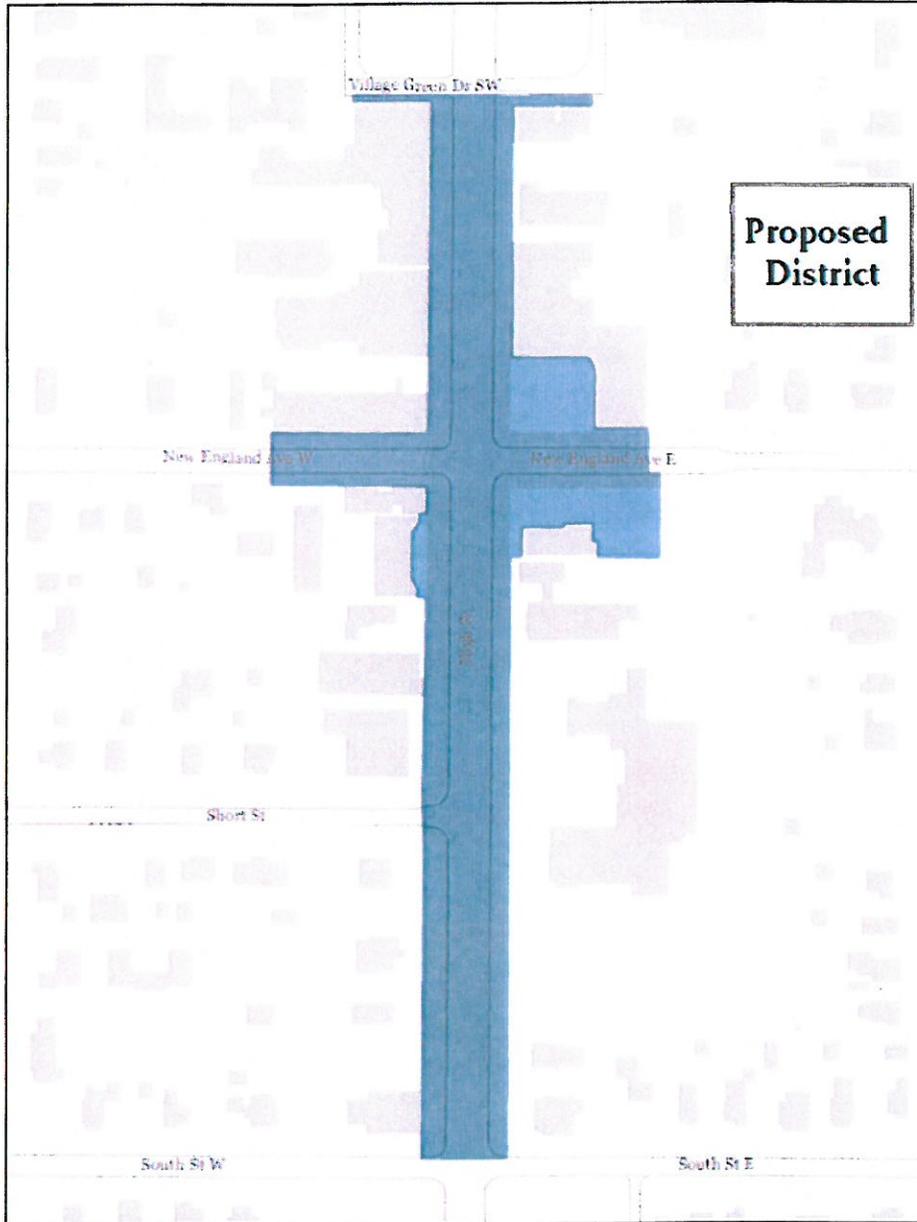
Following the April 3, 2017 City Council meeting, City staff conferred with legal counsel, further discussed the request with the Partnership, as well as the Division of Police. These conversations led to modifications of the DORA proposal, which are reflected in this application. In summary, this application includes the following:

- Creation of a DORA in Old Worthington, mostly along the High Street right of way from Village Green Drive South to South Street (see Section II Boundaries for more detail).
- The DORA would ease or make more accessible outdoor dining in front of liquor permit holding establishments. It would allow such establishments to serve alcoholic beverages in a plastic cup pursuant to the law within a designated area in front of their establishment during certain hours. Creation of the DORA and subsequent amendment of the City’s Outdoor Dining Policy would relieve these establishments of current requirements for fencing around a dining area. Signage, sanitation and safety requirements would be established by permit.
- The Worthington DORA would provide the ability during permitted Special Events for individuals to walk around the DORA boundaries with an alcoholic beverage purchased from a liquor permit holding establishment. This authority – subject to issuance of individual permits - would be limited, initially, to the following events: ~~Farmer’s Market,\*~~ The Picnic with the Partnership, Market Day, The Chocolate Walk, and Illuminating Shopping. Signage, sanitation and safety requirements would be established by permit for each Special Event.

\*At the June 5, 2017 City Council Meeting, the Council approved a motion to amend this application, as well as Resolution 30-2017. The approved amendment removed the Farmers Market as an eligible DORA event.

## II. BOUNDARIES

In accordance with O.R.C. 4301.82(B)(1)(b), the boundaries of the DORA are depicted below:



Commencing at the northern side of the intersection of South Street and High Street, traveling north along High Street, widening westerly at the intersection of New England Avenue and High Street to 41 W. New England and easterly to 26 E. New England, continuing north along High Street to Village Green Drive South, and again widening along the southwestern sidewalk at the intersection of Village Green Drive South and High Street to 695 High Street and along the southeastern sidewalk to 692 High Street. Said description contains approximately 4.06 acres.

### III. NATURE OF ESTABLISHMENTS

In accordance with O.R.C. 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are listed below.

The types of establishments located within or adjacent to the DORA are primarily businesses in the retail, dining or services sectors. Examples include:

Establishment Name	Address
<b>Retail</b>	
Haddad Oriental Rugs	559 High Street
Peacock Lane Home	615 High Street
Fritz Jacobs	635 High Street
House Wine	644 High Street
The Candle Lab	646 High Street
RIDEhome	650 High Street
Grid Furnishings	661A High Street
Vernacular	663 High Street
Denig Jewelers	677 High Street
Worthington Jewelers	692 High Street
<b>Dining</b>	
Dewey's Pizza	640 High Street
La Chatelaine	627 High Street
The Worthington Inn	649 High Street
A Taste of Vietnam	652 High Street
Graeter's Ice Cream	654 High Street
Jets Pizza	660 High Street
The Whitney House	666 High Street
Sassafras Bakery	657 High Street
Bubbles Tea & Juice Company	661 High Street
Old Bag of Nails Pub	663 High Street
Harolds American Grille	671 High Street
Highline Coffee	691 High Street
<b>Services</b>	
First Financial Bank	547 High Street
COhatch	659 High Street
Magic Cruises	656 High Street
HER Realtors	681 High Street
Snap Fitness	661 High Street
Olde Village Barbers	669 High Street
U.S. Bank	688 High Street
<b>Other</b>	
United States Postal Service	597 High Street
Worthington United Methodist Church	600 High Street

#### IV. QUALIFYING PERMIT HOLDERS

In accordance with O.R.C. 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders.

Worthington has identified (8) qualified permit holders that will likely be included in the DORA:

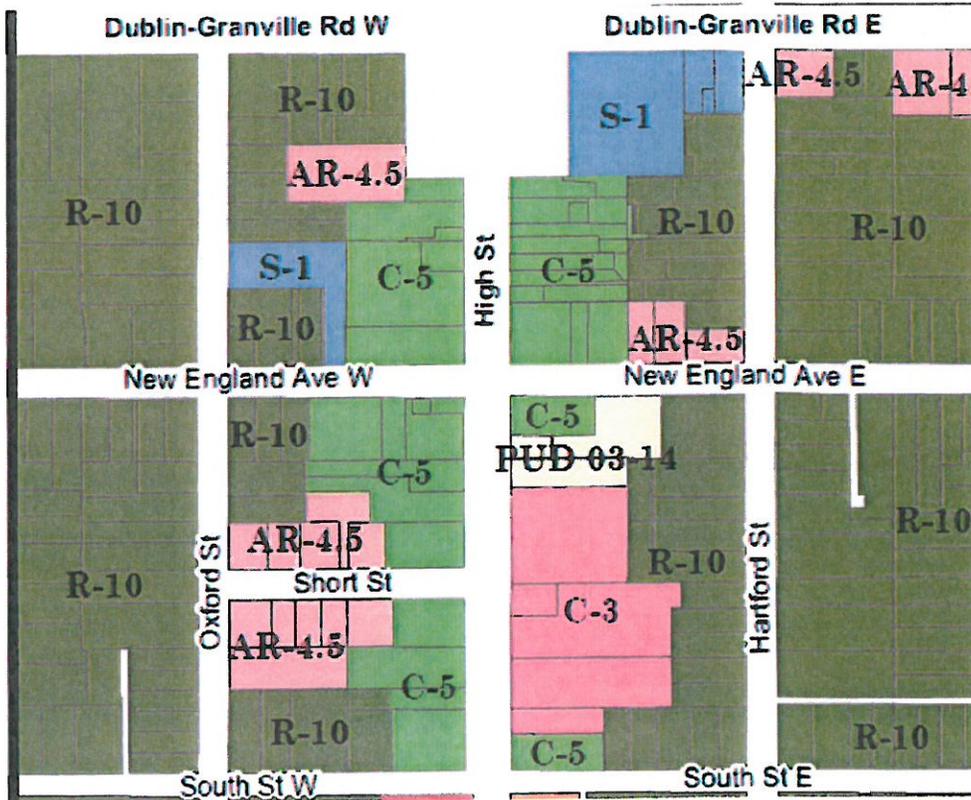
Business Name	DBA	Business Address	Permit Types	Permit #
Harolds American Grille Ltd.	Harolds American Grille	673 High Street	D5 & D6	3614301
PIBB & BEAN LLC	Whitney House	666 High Street, 1st Floor & Basement	D5 & D6	6897007
Old Bag of Nails Pub Inc.	Old Bag of Nails	663 High Street	D1, D2, D3, D4	6528523
WI Restaurant Operations LLC	Worthington Inn	649 High Street & Patios	D5 & D6	9726301
La Marquise Inc.	La Chatelaine	627 High Street, 1st Floor & Patio	D1, D2, D3, D6	49492700005
AED Enterprises LLC	Dewey's Pizza & Patio	640 High Street	D1, D2, D6	00661240095
*Taste of Vietnam LLC	Taste of Vietnam	652 High Street	D5 & D6	8788450
Grapeful Jane LLC	House Wine	644 High Street & Patio	D5 & D6	3329356

*\*As of April 10, 2017, the Division of Liquor Control shows both the D5 & D6 permits as "Pending".*

V. LAND USE & ZONING

In accordance with O.R.C. 4301.82(B)(4), the uses of land within the DORA are zoned C-5 (Central Commercial), C-3 (Institutions & Offices), or are a PUD (Planned Unit District) and are in accord with Worthington's master zoning plan:

Zoning Districts	
OPEN AREA	F-1 Flood Plain
	S-1 Special
RESIDENTIAL	VM Veterans Memorial
	R-16 Very Low Density Residential
	R-10 Low Density Residential
	R-7.5 Medium Density Residential
	R-6.5 One and Two Family Residence
	AR-4.5 Low Density Apartment Residence
	AR-3 Medium Density Apartment Residence
COMMERCIAL	SC Senior Citizen
	C-1 Neighborhood Commercial
	C-2 Community Shopping Center
	C-3 Institutions and Offices
	C-4 Highway and Automotive Services
INDUSTRIAL	C-5 Central Commercial
	I-1 Restricted Industrial, Research and Offices
PLANNED UNIT DEVELOPMENT	I-2 General Industrial
	PUD Planned Unit District



## VI. PUBLIC HEALTH & SAFETY

In accordance with O.R.C. 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health and safety within the DORA shall include:

**Outdoor Dining in Right of Way:** Qualifying permit holders that desire to sell alcoholic beverages as part of providing an outdoor dining area in the City of Worthington's right of way (adjacent to the establishment), must obtain a right of way permit and meet the requirements of the Codified Ordinances for right of way use, the DORA and the City's Outdoor Dining Policy. These policies will require the qualifying permit holder to submit sanitation and signage plans and a physical layout of the tables, chairs and other facilities. It is anticipated that busing of tables will be required and/or adequate trash cans be in place. Additionally, the permit review will ensure that there are adequate pedestrian passageways and that ingress/egress for emergency services is adequate. Failure to comply with the requirements of the permit can result in revocation.

**Special Events:** The City of Worthington requires that each special event receive a permit. As is the City's practice, each event will be reviewed by the City's Departments/Divisions. Permit requirements may differ between events depending on their size, layout, use of right of way, and program. However, each event will be reviewed to ensure that adequate sanitation, signage and public safety requirements are established. The necessity for portable bathrooms, handicap accessibility, pedestrian mobility, police, fire and emergency medical ingress and egress, crowd control, DORA boundary management and trash management (dumpsters, cans, pick-up, etc.) will be addressed. Event organizers may be required to pay for special duty officers or overtime for public service or safety workers if necessary to ensure adequate health, public and safety requirements.

**Outdoor Dining and/or Events on Private Property within the DORA:** Each of the qualifying permit holders whose private property abuts the DORA boundary currently operate pursuant to a Conditional Use Permit. To the extent necessary, the Conditional Use Permit could be amended to allow for these establishments to operate in compliance with DORA regulations. Notwithstanding inclusion within the DORA, such establishments also must comply with ADA requirements regulating pedestrian passage along the sidewalk adjacent to the businesses if they wish to offer outdoor dining.