

1st reading 5-10-23
2nd reading 6-7-23
3rd reading suspended
Public Hearing 6-7-23
Voted On 6-7-23
Ayes: 6 Nays: 0
PASSED X DEFEATED

05/05/2023

ORDINANCE NO. 2023-8

AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA AND ESTABLISHING REQUIREMENTS TO ENSURE PUBLIC HEALTH AND SAFETY WITHIN SUCH AREA.

WHEREAS, Ohio Revised Code Section 4301.82 authorizes Orange Village to establish an outdoor refreshment area; and

WHEREAS, Mayor Kathy U. Mulcahy has submitted and filed an application dated April 28, 2023, with Council in compliance with Ohio Revised Code Section 4301.82(B) to have certain property designated as an outdoor refreshment area; and

WHEREAS, the outdoor refreshment area application meets all requirements under Ohio Revised Code Section 4301.82; and

WHEREAS, a public hearing concerning this application was held in Orange Village Council Chambers on June 7, 2023, a notice of which was published not less than 30 days prior to the date of said hearing in a newspaper of general circulation in the Village of Orange, once a week for two separate weeks in Compliance with Ohio Revised Code Sections 4301.82(C) and (F)(2); and

WHEREAS, the creation of an outdoor refreshment area in Orange Village will provide the Village with economic development, business revitalization, tax revenues, and new jobs and provide the patrons of Pinecrest an amenity that has been requested by Pinecrest and its restaurants; and

WHEREAS, Orange Village and State of Ohio laws regarding public intoxication and impaired driving will continue to apply within the outdoor refreshment area.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, STATE OF OHIO:

SECTION 1. That the Council of Orange Village hereby establishes a designated outdoor refreshment area, to be called the "Pinecrest Designated Outdoor Refreshment Area", to enrich and provide entertainment, retail, educational, sporting, cultural, and arts opportunities for Orange Village residents and visitors. The area comprising the Pinecrest Designated Outdoor Refreshment Area is identified in Exhibit "A", the application of Mayor Kathy U. Mulcahy for establishment of an outdoor refreshment area, which is hereby incorporated into this Ordinance.

SECTION 2. That this Council hereby finds and determines that the following requirements of Ohio Revised Code 4301.82 (F)(1) are identified in Exhibit "A" and are incorporated herein: (i) the specific boundaries of the area, including street addresses; (ii) the number, spacing, and type of signage designating the area; (iii) the hours of operation for the area; (iv) the number of personnel needed to ensure public safety in the area; (v) a sanitation plan that will help maintain the appearance and public health of the areas; (vi) the number of personnel

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needed to execute the sanitation plan; (vii) a requirement that beer and intoxicating liquor be served solely in plastic bottles or other non-glass containers in the area; and (viii) the rules and public health and safety requirements of the area.

SECTION 3. That, pursuant to Ohio Revised Code 4301.82 (I), five (5) years from the date of the adoption of Pinecrest Outdoor Refreshment Area, Council shall review the operation of the outdoor refreshment areas and shall, by ordinance or resolution, either approve its continued operation or dissolve the areas. Such review shall be repeated five (5) years after each subsequent approval of the Pinecrest Designated Outdoor Refreshment Area, in the same manner. Prior to adopting any such ordinance or resolution, Council shall give notice of its proposed action by publication in one newspaper or general circulation in the Village of Orange, or as otherwise provided in Ohio Revised Code Section 7.16. Council reserves the right, pursuant to state law, to dissolve all or part of the outdoor refreshment area at any time, subject to notice requirements.

SECTION 4. That this Council hereby authorizes and directs the Mayor and the Clerk of Council to file all necessary notices and paperwork with the Ohio Department of Commerce, Division of Liquor Control, and the Ohio Department of Public Safety, Investigative Unit to establish the Pinecrest Designated Outdoor Refreshment Area pursuant to Ohio Revised Code 4301.82.

SECTION 5. That the actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 6. That this Ordinance shall take effect at the earliest time allowed by law.

PASSED: June 7, 2023


Council President

Submitted to the Mayor for
approval on this 7th day of JUNE, 2023

Approved by the Mayor this
7th day of JUNE, 2023

ATTEST:


Clerk of Council


Mayor

DORA

PINECREST SUBMISSION

Orange Village, OH 44122



FAIRMOUNT
PROPERTIES

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II. BOUNDARY MAP OF THE PROPOSED DORA

In accordance with ORC 4301.82(B)(1)(b), the boundaries of the DORA are depicted in the map provided in **Exhibit A**. The map includes a list of establishments that have the required Class A and D liquor permits within the area. Currently, fourteen (14) establishments have been identified that qualify to be included in the DORA. The proposed DORA boundary encompasses 43.5 acres in size which is below the requirements of the area being 150 acres or less. The following is the list of street addresses of real property within the specific boundaries of DORA.

Street Addresses in Proposed DORA		
Street Name	Range	Even/Odd
Second	N/A	Even/Odd
Third	N/A	Even/Odd
Fourth	N/A	Even/Odd
Park Ave.	10-411	Even/Odd
Wall Street	50	Even/Odd

III. NATURE AND TYPES OF ESTABLISHMENTS

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be within or adjacent to the DORA are primarily businesses in retail, restaurant, entertainment, general office, and services sectors.

Within the DORA, the majority of the buildings have businesses consisting of retail and restaurants on the first floor. The upper-level floors have a mixture of office space, residential units, and hotel.

Examples of the retail, restaurant, service and hospitality establishments located in the DORA:

Establishments Within The Proposed DORA Boundary - Retail/Office - Examples		
Business Name	Business Type	Addresses
Verizon	Retail/Service	400 Park Ave. #188
NIKE	Retail	400 Park Ave. #172
Indochino	Retail	400 Park Ave. #168
J. Crew	Retail	300 Park Ave. #156
A.C. Marriot	Hospitality	300 Park Ave. #200
Orangetheory	Fitness	200 Park Ave. #144
Brilliant Earth	Retail/Jewelry	200 Park Ave. #132
Office Building	Business/Office	200 Park Ave.
Office Building	Business/Office	100 Park Ave.
Kawai Piano Gallery	Retail	100 Park Ave. #118
Graeters Ice Cream	Retail/Food	10 Park Ave. #116
Athleta	Retail	211 Park Ave. #111
Lux Redux Bridal	Retail	211 Park Ave. #116
Warby Parker	Service	255 Park Ave. #2020
Club Pilates	Fitness	311 Park Ave. #123

Aerie	Retail	311 Park Ave. #132
West Elm	Furniture	411 Park Ave. #135
REI	Retail	411 Park Ave. #143

Establishments Within The Proposed DORA Boundary - Dining		
Business Name	Business Type	Addresses
Saucy Brewery	Food/Drink	400 Park Ave. #170
AC Marriot Hotel	Hospitality/Food/Drink	300 Park Ave. #200
Vacancy	Food/Drink	200 Park Ave. #146
RED	Food/Drink	200 Park Ave. #130
The Last Page	Food/Drink	100 Park Ave. #128
Vacancy	Food/Drink	100 Park Ave. #126
The Candle Studio	Food/Drink	100 Park Ave. #122
Sand Pebbles	Food/Drink	100 Park Ave. #121
Silverspot Theater	Food/Drink	10 Park Ave. #218
Condado	Food/Drink	10 Park Ave. #112
Lau Sze Chuan	Food/Drink	10 Park Ave. #106
Pinstripes	Food/Drink	111 Park Ave. #105
Firebird's	Food/Drink	211 Park Ave. #109
Kitchen Social	Food/Drink	211 Park Ave. #115
Shake Shack	Food/Drink	311 Park Ave. #121
Heartwood Coffee	Food/Drink	311 Park Ave. #131

Residential housing within the DORA is limited and consists primarily of upscale apartments.

IV. QUALIFIED PERMIT HOLDERS

In accordance with ORC 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders as defined by ORC 4301.82(A). The Village of Orange has identified 14 qualified permit holders that will likely be included in the DORA, which are identified as follows:

Establishments Within The Proposed DORA Boundary - Dining				
Permit No.	Permit Holder	D.B.A.	Addresses	Permit Class
		Saucy Brewery	400 Park Ave. #170	D5J
6931909	Pinecrest Hotel, LLC	AC Marriott Hotel	300 Park Ave. #200	D-4A & D-6
8924285	In Holding	Vacancy	200 Park Ave. #146	D5J
		RED	200 Park Ave. #130	D5J
6931980	Pinecrest 126, LLC	The Last Page & Patio	100 Park Ave. #128	D5J
		Vacancy	100 Park Ave. #126	D5J
1225390	Candle Studio, LLC	The Candle Studio	100 Park Ave. #122	D5J
89108540010	Thorn Buri, LLC	Sand Pebbles	100 Park Ave. #121	D5J

555192	Beachwood Cinema, LLC	Silverspot Cinema & Patio	10 Park Ave. #218	D5J
1657340	Condado Tacos 12, LLC	Condado	10 Park Ave. #112	D5J
858082	In Holding	Lau Sze Chuan	10 Park Ave. #106	D5J
66932140	Pinstripes Inc.	Pinstripes	111 Park Ave. #105	D5J
2485440	Firebird's of Orange Village, LLC	Firebird's	211 Park Ave. #109	D-5I & D-6
25999640010	FTBHG, LLC	Kitchen Social	211 Park Ave. #115	D5J
80238890020	Shake Shack Ohio, LLC	Shake Shack & Patio	311 Park Ave. #121	D5J
992618	Zen & Spa Inc.	Zen Nail Spa 1st Fl	400 Park Ave. #178	D5J

V. LAND USE AND ZONING

In accordance with ORC 4301.82(B)(4), the land use within the DORA is zoned PPDD – Pinecrest Planned Development District and is in accordance with the Village of Orange Zone Map as provided for in **Exhibit B**.

The creation of a DORA in the Pinecrest Development aligns with the Village's Comprehensive Plan and objective to define this area as a popular destination for dining and entertainment within the Village of Orange. The DORA is focused around the Pinecrest Development wherein restaurants, microbreweries, eating establishments and entertainment venues are permitted uses and may operate under the current regulations.

VI. SAFETY PLAN

In accordance with ORC 4301.82(B)(5) and (F)(1)(d), a Safety Plan has been developed to ensure public safety in the DORA. The Safety Plan can be executed with existing staff per **Exhibit C**.

VII. SANITATION PLAN

In accordance with ORC 4301.82(B)(5), (F)(1)(E), and (F)(1)(f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. A copy is attached hereto as **Exhibit E**. The Sanitation Plan can be executed with existing staff.

VIII. SIGNAGE PLAN

In accordance with ORC 4301.82(F)(1)(b), a minimum of 12 signs will be displayed throughout the boundary of the DORA as depicted on attached **Exhibit D**. Boundary signs will be located along the boundary of the DORA. The location and spacing of the signs are shown on attached **Exhibit E**.

Each establishment that is not a qualified permit holder will display a green or red sign that either accepts or prohibits DORA drinks. The signs are depicted on attached **Exhibit D**.

IX. RULES OF OPERATION

A. Hours of Operation

In accordance with ORC 4301.82(F)(1)(c), the hours of operation for the DORA will be:

- Monday – Wednesday 4-8 pm
- Thursday – Friday 4-10 pm
- Saturday 1-10 pm
- Sunday 1-8 pm
- There may be extended hours outside of these times for special events with approval from Orange Village Council.

B. Official DORA Cup

In accordance with ORC 4301.82(F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in a specifically designated plastic cup approved by Orange Village (the "Official Cup"). The Official Cup will be distinctly marked, as in **Exhibit D**. No other container will be permitted. Used cups must be empty or disposed of before entering any establishment of a qualified permit holder.

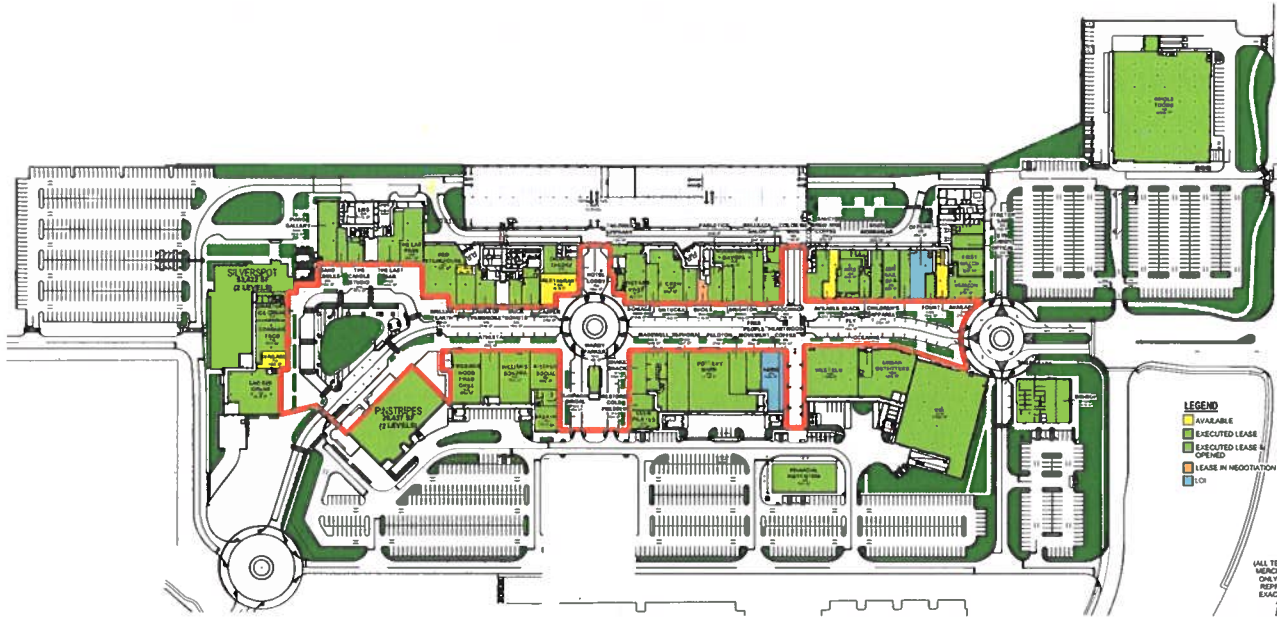
C. Additional Requirements

In accordance with ORC 4301.82(B)(5), and in conjunction with other rules, standards and requirements set forth in this application, additional rules, and requirements for the purpose of ensuring public safety and health within the DORA are as follows:

1. A person may have in a person's possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which the following applies:
 - a. The permit holder's premise is located within the DORA; and
 - b. The permit held by the permit holder has an outdoor refreshment area designation; and
 - c. The open container consists of an official DORA cup.
2. No person shall do any of the following:
 - a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere, or
 - b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC 4301.62.

EXHIBIT A

PINECREST



FAIRMOUNT

CALLISONRTKL



MERCHANDISING PLAN

PINECREST DEVELOPMENT

ORANGE VILLAGE, OHIO

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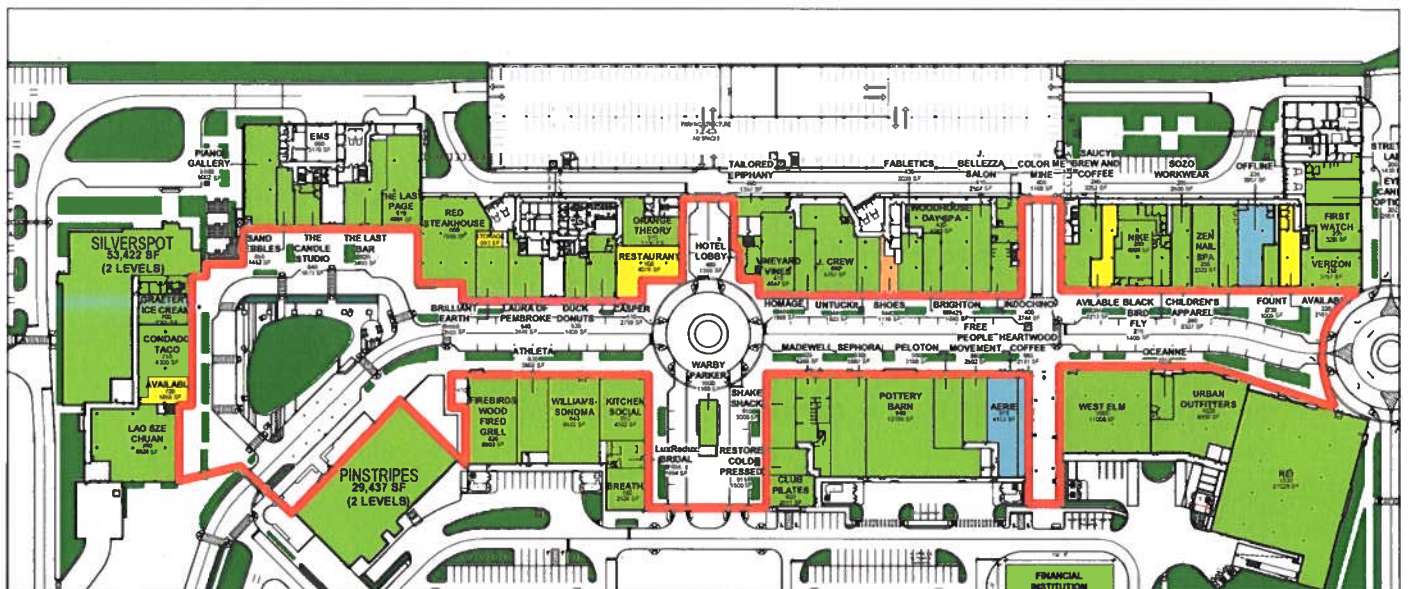


EXHIBIT B

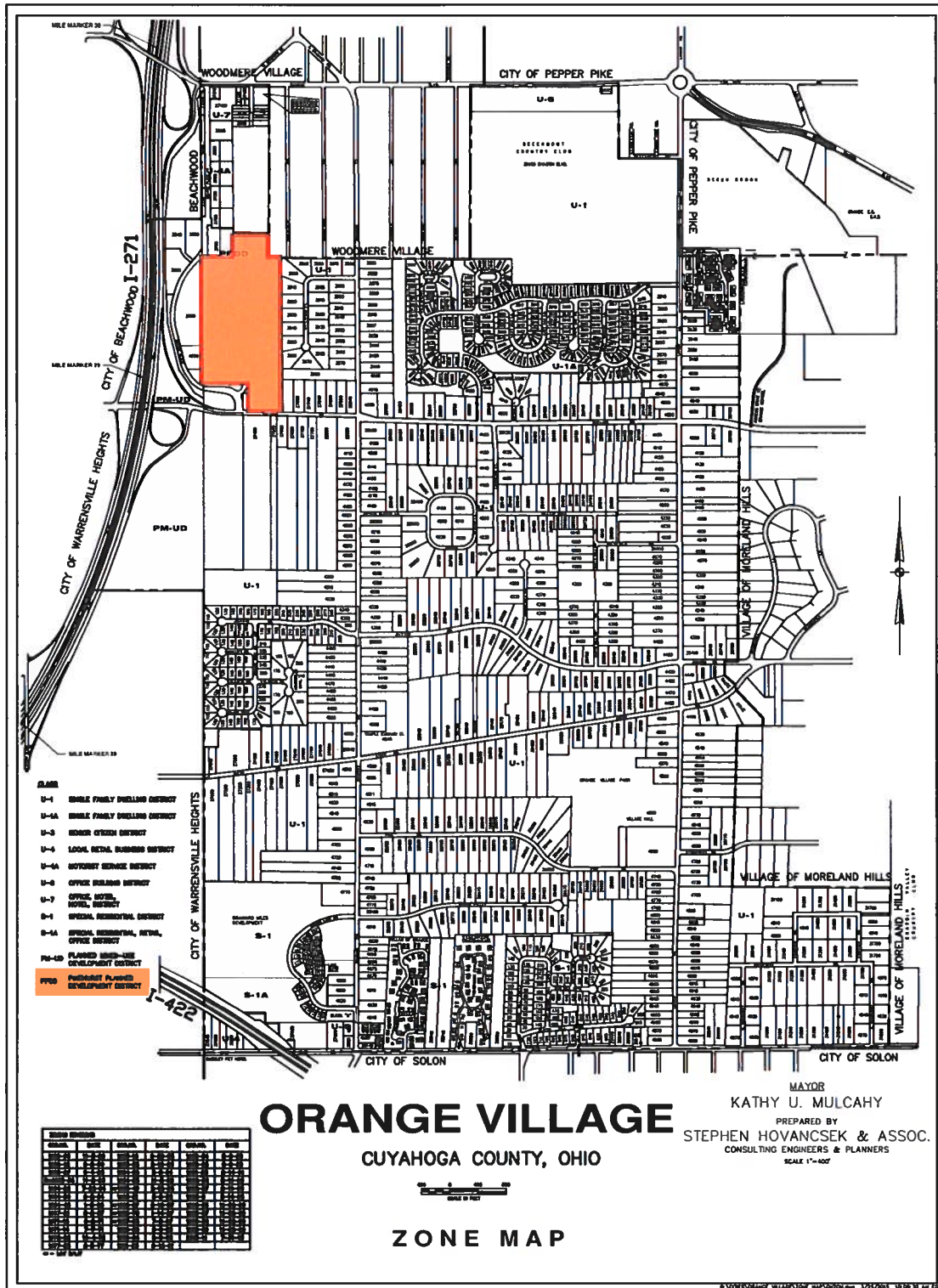


EXHIBIT C

In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public safety within the Designated Outdoor Refreshment Area (DORA) are as follows:

Public Safety Plan

Pinecrest contracts off-duty Police Officers and private security personnel creating a multi-layered approach to providing public safety within the DORA. Fire/EMS services maintain a presence via the on-site EMS Station.

Law Enforcement Responsibilities

The existing security staffing levels consisting of both off-duty Police Officers and private security personnel will be responsible for providing law enforcement services within DORA.

Patrol Supervisors will monitor the DORA area during routine patrols. The safety plan will be analyzed and adjusted as needed.

In the event that an above-average number of people are in the DORA, the on-duty supervisor may assign additional off-duty Police Officers and/or private security personnel to specifically patrol the DORA. Patrols will be accomplished via vehicle, foot, gas & electric powered carts and bikes.

For planned events in the DORA that may draw a larger than normal attendance, the Pinecrest Director of Security may have additional off-duty Police Officers and private security personnel assigned specifically to the DORA.

Fire/EMS Responsibilities

The Orange Village Fire Department will be responsible for providing Fire, Rescue, and EMS within the DORA. Station Two is located on Pinecrest property and is staffed Monday – Sunday 7 am to 7 pm. Primary Fire/EMS coverage will be provided via personnel staffed in Station Two. Coverage outside the above stated hours will be provided by personnel from Orange Village with an estimated response time between three and four minutes to any area within the DORA.

For planned events in the DORA that may draw a larger than normal attendance, the Director of Security may request the staging of personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

EXHIBIT D



Signage



Designated DORA cup (front)



Designated DORA cup (back)



Storefront window cling (Welcome Here)



Storefront window cling (Not Permitted)

EXHIBIT E

In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health within the Designated Outdoor Refreshment Area (DORA) are as follows:

Signage and Sanitation Plan

Pinecrest personnel will be responsible for maintaining the appearance and public health within the DORA through trash collection, street sweeping, routine maintenance, and signage placement.

Exhibit E shows that there are currently 36 permanent trash receptacles (shown in red) placed throughout and along the DORA boundary serviced multiple times per day. Pinecrest will install 12 signs on the existing trash receptacles (shown in blue) throughout the DORA to mark boundaries.

