

# **SECOND AMENDED APPLICATION FOR ESTABLISHMENT OF A DESIGNATED OUTDOOR REFRESHMENT AREA**

Pursuant to Section 4301.82 of the Ohio Revised Code (“**ORC**”), Andrew J. Ginther, Mayor of the City of Columbus (the City), respectfully submits this Second Amended Application to Columbus City Council for designation and approval of the area depicted and described below as an outdoor refreshment area (referred to herein as the “**DORA**”), with such area generally encompassing the neighborhood known as the Arena District and also including Nationwide Arena, Huntington Park, and Lower.com Field.

## **Population Requirements:**

Pursuant to requirements of ORC 4301.83(D), the City of Columbus is a municipal corporation with a population of more than fifty thousand and this would be the first DORA that we are requesting of the four that we are allowed to create.

The U.S. Census Bureau estimates that the population of City of Columbus on July 1, 2019 is 898,553. <sup>1</sup>

## **Boundaries of the DORA:**



See larger version attached as **Exhibit A**.

<sup>1</sup> U.S. Census Bureau (2019). *QuickFacts Columbus city, Ohio*. Retrieved from <https://www.census.gov/quickfacts/columbuscityohio>.

The DORA will cover the above-depicted approximately 11.98-acre area, described more particularly as follows: Beginning at the southeast corner of the intersection of Vine Street and Front Street and continuing south along the alleyway from Vine Street to Battelle Plaza and the alleyway below the mezzanine portion of the building located at 401 N. Front Street, then extending west from the intersection of Nationwide Boulevard and Front Street (including the crosswalk at the intersection of Nationwide Boulevard and Front Street) continuing along both sides of Nationwide Boulevard (including the crosswalk at the intersection of Nationwide Boulevard and Neil Avenue and at the intersection of Nationwide Boulevard and Hanover Street) stopping at the eastern edge of the pedestrian footbridge across the Scioto River. The DORA will also include the area beginning at the southwest intersection of Nationwide Boulevard and Marconi Boulevard and continuing south along the west side of Marconi Boulevard to Locust Boulevard.

The DORA will also include the area starting at the northern intersection of Nationwide Boulevard and Columbus Crew Way and continuing north along both sides of Columbus Crew Way to the southern intersection with Nordecke Drive and then extending east along Nordecke Drive to the eastern end of the pedestrian plaza area as well as the sidewalks leading up to and around the mixed-use building at the northern intersection of Nationwide Boulevard and Neiland Drive. Lastly the boundaries of the DORA will extend along the east side of Neil Avenue from Brodbelt Lane, including the green space behind the building located at 240-290 Nationwide Boulevard and continuing to Nationwide Boulevard as well as along the west side of Neil Avenue from the railroad tracks and continuing south along the west side of Neil Avenue (including any pedestrian walkways and plaza entrances along the way) to Nationwide Boulevard.

Notwithstanding the forgoing, the exact operational boundaries of the DORA may be adjusted or more specifically delineated by the Mayor or his designee in order to accommodate existing improvements or for health, safety, or other reasonable operational purposes.

A list of all parcels and street addresses included in the DORA are listed below in **Exhibit B**.

## **Overview of DORA and Operations**

In July, 2013, the City of Columbus created the Downtown District by the passage of Ordinance No. 1532-2013 (the Ordinance), which District includes the Arena District. The Ordinance recognized that downtown Columbus serves as the center of government, corporate business, professional sports, conventions and tourism, the arts, museums and entertainment. In addition, the Ordinance highlighted that downtown Columbus is the place for regional-scale public open spaces connecting the Scioto River and integrating a variety of cultural and recreational facilities enhancing the quality of life of Columbus' residents, driving travel and tourism, and creating economic impact. Lastly, the Ordinance acknowledged that downtown Columbus was developing into its own neighborhood with a growing amount of residences supporting retail, personal services, restaurants and parks in a walkable environment creating year-round energy and excitement.

The creation of the proposed DORA is in accord with these principles. First, the DORA will create an area where pedestrians are welcome to enjoy the Arena District. Pedestrians will be able to travel between the restaurants and the multiple sporting venues and public open spaces where many public events are held. Each of these events draw a diverse group of residents and visitors to the Arena District and

downtown Columbus. Second, the establishment of the DORA will be an excellent opportunity for the City to have its residents, as well as visitors to Columbus, experience firsthand all of the positive energy and improvements that have been made within the Arena District as well as the downtown area as a whole, including the three premier sports and entertainment venues (Nationwide Arena, Huntington Park, Lower.com Field). Establishing the DORA will help capitalize on and showcase these efforts.

Approval of the DORA will allow participating bars, restaurants, and other vendors to sell alcoholic beverages in designated eco-friendly plastic containers to patrons. Patrons will then be legally allowed to depart the establishment or site where the beverage was purchased and move freely around within the DORA with that beverage. The designated eco-friendly plastic containers will be provided by the LLC to the brick and mortar establishments or other approved outdoor vendors, such as for special events. An examples of the cup design is depicted in **Exhibit C**. All vendors must still maintain required liquor permits to sell alcohol in accordance with state law. All property owners and establishments have the option of opting-out of participating in the DORA. In accordance with state law, patrons may only leave establishments with alcoholic beverages in the designated eco-friendly plastic containers. Further, no outside alcoholic drinks are permitted—meaning only alcoholic drinks that are purchased in the designated eco-friendly plastic container and from a properly permitted vendor in the DORA may be enjoyed outside. Signage, as further described below, will inform patrons of the rules and boundaries of the DORA.

The DORA is being launched in partnership with the AD DORA, LLC (the LLC). The City will contract with the LLC in a supplemental memorandum of understanding to operate and manage the DORA to provide marketing, the production and distribution of signage throughout the DORA as well as the designated eco-friendly plastic containers. In addition, when the DORA is activated on a Game Day (as defined below), the LLC will provide supplemental sanitation services to ensure a safe and clean public space. All of these services will be provided by the LLC only within the footprint of the original DORA as described in this application.

The LLC was initially funded by the DORA participants and its continued operations will be funded through these existing resources and from revenue collected by the fee paid by Special Event organizers in connection with the activation of the DORA. The provision by the LLC of these operational and management services to the DORA, will allow the City to operate the DORA safely, efficiently, and without any ongoing increased financial commitment by the City.

## **Health and Safety**

The City and the LLC are committed to ensuring the health and safety of patrons of the DORA and cleanliness of the area.

Precinct 16, which is on Patrol Zone 5, encompasses Downtown Columbus and the Short North District. The proposed DORA area includes the Arena District, Huntington Park, and Lower.com Field.

There are adequate officers and supervisors assigned to the precinct on any given shift to effectively patrol the DORA. These patrol officers are also augmented with additional patrol units that work varying shifts which start during mid-morning and mid evening shifts.

Of the officers assigned to Precinct 16, a number of them are designated as bicycle officers. The precinct substation located at 333 W. Town Street is approximately .5 miles from the DORA.

There is also a Zone 5 Community Response Team, which is a group of officers responsible for problem-oriented policing projects on the zone, as well as patrolling other public events. This team is also housed at the substation. The entire team of officers and a sergeant are bike-certified.

The following safety plan is currently implemented on each Game Day for the Columbus Blue Jackets, the Columbus Clippers and the Columbus Crew (each, the Home Team).

- Columbus Blue Jackets –between 10 – 15 special duty City of Columbus police officers are on site to manage traffic and safety outside of Nationwide Arena before and after every home game with the CBJ engaging additional special duty police officers to support safety needs inside the Arena. The total number of officers on-site varies based on the game time and expected crowd size.
- Columbus Clippers - 6 Franklin County sheriff deputies are on site to support traffic and safety outside of Huntington Park before and after every home game as well as to support any safety needs inside the Park during the game. Two additional special duty City of Columbus police officers are also engaged to manage traffic and safety outside of the Park before and after every home game.
- Columbus Crew - 16 special duty City of Columbus police officers will be onsite to manage traffic and safety needs before and after every home game.

In addition, at the expense of the applicable Home Team, two special duty City of Columbus bike patrol officers will initially be required to ensure public safety in the DORA on most Game Days; provided, however the continuing need for such officers will continually be assessed by the City.

The City's Department of Public Service ("DPS") empties the public trash receptacles within the Arena District each Monday, Wednesday, and Friday. Each run requires one staff member per truck. Additionally, the City provides regular street sweeping in the Arena District from April 1 to November 1.

The Recreation and Parks Department ("R&P") provides sanitation services within City parks in the Arena District each Monday and Friday. Each run requires up to 2 staff members. Applicants must provide a sanitation plan to R&P in order to receive a Special Events Permit and the City will work with all Special Event organizers to require those organizers to provide, at their expense, additional trash receptacles and/or sanitation services as deemed necessary in the City's reasonable discretion.

The City believes the current DPS and R&P staffing levels and services are sufficient to adequately maintain the appearance and public health when the DORA is created. However, the City and the LLC will continually assess the sanitation service levels and staffing needs and the LLC will provide any supplementary sanitation services on Game Days needed to keep the DORA area in a clean, safe, and sanitary state.

Further, the City will continually assess the public safety and sanitation needs on an ongoing basis, and the City will work with the LLC, the applicable Home Team(s) and/or the Special Event organizers to require those organizers to provide additional sanitation or security detail as deemed necessary in the City's reasonable discretion, such as when multiple sporting or Special Events are occurring simultaneously.

## Hours of Operation – Game Days

**DORA Activation:** the term “Game Day” is amended and shall hereafter be defined as: “All days when a game or other event is being held at the sporting venues currently known as Nationwide Arena, Huntington Park, and Lower.com Field, starting three (3) hours prior to the start of the game or event and continuing until 11:59 PM on that same day (each, a “Game Day”)”. In addition, the term “Home Team” is defined as: “Each of the Columbus Blue Jackets, the Columbus Clippers, the Columbus Crew and the operators of each venue where each team plays.”

## Hours of Operation – Special Events

In addition, the DORA may be operated during Special Events (which are defined as events, other than a Game Day) occurring within or adjacent to the DORA boundaries in partnership with the City and the LLC. Event organizers wishing to plan Special Events within the DORA shall use the *Event Planning Guide* (located on the Columbus Recreation and Parks Department webpage) to efficiently plan and execute a successful event. This guide includes permit applications, a directory of city department contacts, selection of venue maps, an overview of city regulations and fees for city services. The Special Event organizer can also elect to activate the DORA through this same online application process and by working with the Recreation and Parks Department Office of Special Events who will work with the LLC to develop operational parameters for hosting special events within or adjacent to the DORA that balance the interests of all stakeholders. If activated for a Special Event, the DORA would be activated beginning at the time included in the application and continuing until 11:59 p.m. on that same day. In addition, the Special Event organizer (excluding the City, the LLC and any Home Team) will pay an activation fee to the LLC.

Notwithstanding anything herein to the contrary, the Mayor or designee will retain the discretion to temporarily suspend the operations of the DORA or alter operational parameters at his or her sole discretion if determined necessary for public health, safety, or welfare.

## Signage

In accordance with ORC 4301.82(F), clearly marked signs will delineate the boundaries of the DORA. Additionally, signage will be placed within the DORA to notify patrons of the rules of operation. If any additional signage is needed, then that signage will be provided by the organizer of the Special Event or the LLC. Examples of signage designs are depicted in **Exhibit C**. The signage throughout the original DORA will be paid for and maintained by the LLC throughout the life of the DORA.

The proposed plan for signage is to have signage permanently installed at each of the natural pedestrian points of ingress and egress throughout the DORA to notify the general public of the boundaries of the DORA footprint, with an estimated 40 signs needed to clearly demarcate the boundary. Additional signs will be added in the interior to demarcate operational boundaries, as determined necessary by DPS and the City and the LLC will assess the need for changes in the location of signage on an ongoing basis.

## Additional Rules and Requirements

The Mayor or their Designee may establish additional rules and regulations for operation of the DORA and will update such rules and regulations from time to time as deemed necessary for public health, safety, or operational purposes; provided however, such rules will always require that all alcoholic drinks served to be consumed outside of establishments within the DORA shall be served in a designated eco-friendly plastic container.

## Nature of Establishments

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are a broad array of institutions, businesses, and uses—including two professional sports stadiums, an indoor arena, a 3 acre public park, offices, retail, residences, and numerous drinking and dining establishments. There is no intention of changing the nature and types of establishments in the area. Instead, once operational, the DORA will support these establishments by attracting additional customers, residents, and workers. A current list of existing establishments is below:

Name	Category	Address	Street	Zip
Office	Office Multi-Tenant	111	W Nationwide Blvd.	43215
Wario's Beef and Pork	Dining/Bars			
Office	Office Multi-Tenant	125	W Nationwide Blvd.	43215
Rodizio Grill	Dining/Bars			
Nelson's Convenience Store	Convenience Store	155	W Nationwide Blvd.	43215
Office	Office Multi-Tenant			
Zoup	Dining/Bars			
Jimmy John's Gourmet Sandwiches	Dining/Bars	171	W Nationwide Blvd.	43215
Office	Office Multi-Tenant	175	W Nationwide Blvd.	43215
Boston's Pizza	Dining/Bars	191	W Nationwide Blvd.	43215
Office	Office Multi-Tenant			
Ted's Montana Grill	Dining/Bars			
Nationwide Arena	Entertainment & Sports Stadium	200	W Nationwide Blvd.	43215
Nada	Dining/Bars	220	W Nationwide Blvd.	43215
Office	Office Multi-Tenant	277	W Nationwide Blvd.	43215
Sunny Street Café	Dining/Bars			
BD's Mongolian Grill	Dining/Bars	295	Marconi Blvd.	43215
Office	Office Multi-Tenant	305	W Nationwide Blvd.	43215
Arena District Athletic Club	Gym	325	John H McConnell Blvd.	43215
Office	Office Multi-Tenant			

Huntington Park	Entertainment & Sports Stadium	330	Huntington Park Ln.	43215
Office	Office Multi-Tenant	333	W Nationwide Blvd.	43215
Buca di Beppo	Dining/Bars	343	N Front St.	43215
Office	Office Multi-Tenant			
Whistle & Keg	Dining/Bars			
Office	Office Multi-Tenant	353	W Nationwide Blvd.	43215
Office	Office Multi-Tenant	375	N Front St.	43215
Starbucks	Dining/Bars			
Office	Office Multi-Tenant	383	N Front St.	43215
Office	Office Multi-Tenant	390	W Nationwide Blvd.	43215
A&R Music Bar	Concert & Performance Venue	391	Neil Ave.	43215
The Basement	Concert & Performance Venue			
Office	Office Multi-Tenant	400	W Nationwide Blvd.	43215
Restaurant	Dining/Bars	401	N Front St.	43215
Chipotle	Dining/Bars			
Restaurant	Dining/Bars			
Office	Office Multi-Tenant			
Restaurant	Dining/Bars			
Restaurant	Dining/Bars			
Express LIVE	Concert & Performance Venue			
Office	Office Multi-Tenant	405	Neil Ave.	43215
Office	Office Multi-Tenant	405	N Front St.	43215
Restaurant	Dining/Bars	415	N Front St.	43215
Office	Office Multi-Tenant			
R Bar Arena	Dining/Bars			
Arena Crossing Apartments	Residential - Apartments	423	N Front St.	43215
Office	Office Multi-Tenant	425	W Nationwide Blvd.	43215
Betty's Bar	Dining/Bars	435	W Nationwide Blvd.	43215
Buggyworks	Residential - Condos	448	W Nationwide Blvd.	43215
Astor Park-Lower.com Field	Entertainment & Sports Stadium	550	W Nationwide Blvd. / 96 Columbus Crew Way	43215
Office	Office Multi-Tenant	240/290	W Nationwide Blvd.	43215

## Qualified Permit Holders

As required by ORC 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders of A-1, A-1-A, A-1c, A-2, A-2f, or D class liquor permits (excluding D-6 and D-8 class liquor permits) issued under ORC Chapter 4303.

To date at least 13 current qualified permit holders, as that term is defined in ORC 4301(A)(1), have been identified in the DORA, as follows:

#	Permit Holder	DBA Name	Permit Number	Permit Class(es)	Address
1	TMG Restaurants, LLC	Ted's Montana Grill	8948216	D5J, D6	191 W. Nationwide Blvd.
2	Spartan Mongo III Inc.	Mongolian Barbeque	8410820	D5J, D6	295 Marconi Blvd.
3	NAP Venture Partners LLC	ExpressLive	6276767	D5J, D6	391-405 Neil Ave.
4	199 NWB LLC	Boston's	6548422	D5J, D6	199 W. Nationwide Blvd.
5	NM Darr Inc.	R Bar	6430386-0001	D5J	413 N. Front Street
6	RBS Columbus LLC	Rodizio Grill	7229152	D5J, D6	125 W. Nationwide Blvd.
7	NADA Columbus LLC	NADA	6281303	D5J, D6	220 W. Nationwide Blvd.
8	Buca Restaurants Inc.	Buca di Beppo	1061188-0005	D1, D2, D3, D3X, D6	343 N. Front Street
9	Whistle & Keg III, LLC	Whistle & Keg	9565200	D5J, D6	343 N. Front Street, Suite 125
10	Chipotle Mexican Grill of Colorado LLC	Chipotle	1437415-0092	D1, D3, D6	401 N. Front Street
11	Columbus Sports Service LLC	Columbus Blue Jackets	1645100	D1, D2, D3, D6	200 W. Nationwide Blvd.
12	Levy Premium Food Service Limited Partnership	Columbus Clippers	5169748-0020	D1, D2, D3, D6	330 Huntington Park Lane & 355 Neil Avenue
13	<u>Levy Premium Food Service Limited Partnership</u>	<u>Columbus Crew</u>	<u>5169748-0060</u>	<u>D1, D2, D3, D6</u>	<u>96 Columbus Crew Way</u>

## Land Use & Zoning

In accordance with ORC 4301.82(B)(4) and as depicted in **Exhibit D**, the uses of land within the DORA are zoned DD – Downtown District (depicted in red). The current mix of uses in the DORA, including retail, residential, restaurants, bars, and entertainment and sports venues, are permitted uses in these zoning districts.

Attached as **Exhibit E** is a letter from the City's Department of Building and Zoning Services confirming that the uses of land within the DORA are permitted and in accordance with the Columbus Downtown Design Guidelines and Columbus Zoning Code.

## Community Support, Public Notice, and Legislative Approval Process



To date, there has been significant community support expressed for the DORA. Please see **Exhibit F** for submitted letters.

Following filing of this application with the Clerk of Council and in accordance with ORC 4301.82(C), the Clerk will publish public notice of this application in the *City Bulletin* and *The Daily Reporter* which is a newspaper of general circulation in the municipal corporation or township as outlined in accordance with Section 7.16 of the ORC. The notice will indicate that the application is on file and available for inspection in the Clerk's Office. Additionally, the application will be available for review in the City Bulletin. Further, the notice will indicate the date and time of the identified City Council committee hearing to which the authorizing legislation has been referred to provide for a public hearing on the proposal.

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**Exhibit A**

**DORA Map**

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**Exhibit B**

## Parcels and Street Addresses Included in the DORA

Street Name	Range	Even/Odd	Notes
N Front Street	415 - 333	Odd	<ul style="list-style-type: none"> <li>• Follow the N Ludlow St. alleyway from <del>Half Pint</del> 415 N Front St. south to Battelle Plaza (includes pedestrian bridge)</li> <li>• Follow the Maple St. alleyway from <del>Veranico</del> 401 N Front St. west to 383 N Front St.</li> <li>• Follow the W Naughten St. alleyway from 343 N Front St. west to 375 N Front St.</li> <li>• Follow the alleyway between the south 401 N Front St. building (runs north/south between Maple St. and W Naughten St. alleyways)</li> </ul>
W Nationwide Blvd.	200 W Nationwide Blvd. – Neil and Dr.	Even & Odd	
Marconi Blvd.	125 W Nationwide Blvd. - 295 Marconi Blvd.	Odd	<ul style="list-style-type: none"> <li>• Follow Marconi Blvd. from Rodizio Grill south to BD's Mongolian Grill</li> </ul>
Neil Ave.	405 - 343	Even & Odd	<ul style="list-style-type: none"> <li>• Odd: Follow Neil Ave. from Express Live going south to corner of Neil Ave./W Nationwide Blvd.</li> <li>• Even: Follow Neil Ave. going south from corner of Brodbelt Ln. to corner of Neil Ave./W Nationwide Blvd.</li> <li>• Including grassy area Frankin Co Auditor Parcel ID: 010-291851-00</li> </ul>
<b>Venues/Attractions</b>			
Nationwide Arena	200 W Nationwide Blvd.		<ul style="list-style-type: none"> <li>• Including Battelle Plaza: Franklin Co Auditor Parcel ID: 010-026027-00</li> <li>• "Lower" Plaza, Box Office, Tim Hortons, and sidewalks immediately adjacent to Nationwide Arena</li> </ul>
Lower.com Field/Astor Park	Columbus Crew Way		<ul style="list-style-type: none"> <li>• Including Columbus Crew Way from Nordecke Dr. plaza to W Nationwide Blvd.</li> <li>• Including Cahill Dr. between Columbus Crew Way and Neil and Dr.</li> </ul>
Express LIVE!	405 Neil Ave.		
A&R Music Bar/The Basement	391 Neil Ave.		
Huntington Park	330 Huntington Park Ln.		<ul style="list-style-type: none"> <li>• Including 355 and 343 Neil Ave., 314 and 342 W Nationwide Blvd.</li> <li>• Plaza areas at Neil Ave. and W Nationwide Blvd., Neil and Brodbelt Ln.</li> <li>• Sidewalks immediately adjacent to Huntington Park</li> </ul>

Lower.com Field / Astor Park	96 Columbus Crew Way – Neil and Dr. Columbus Crew Way from Nationwide Blvd. - Nordecke Dr. Cahill Dr. from Columbus Crew Way - Neil and Dr.		• Stadium address is 96 Columbus Crew Way.

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**Exhibit C**

**DORA Graphics Examples and Signage Locations**

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# Exhibit D

## Arena District Existing Zoning

- Downtown District
- Arena District



**Exhibit F**  
**Letters of Support**

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