

**APPLICATION TO THE CITY COUNCIL OF THE CITY OF BLUE
ASH, OHIO FOR THE ESTABLISHMENT OF A DESIGNATED
OUTDOOR REFRESHMENT AREA AT SUMMIT PARK AND THE
NEIGHBORHOODS AT SUMMIT PARK**

Submitted March 1, 2022

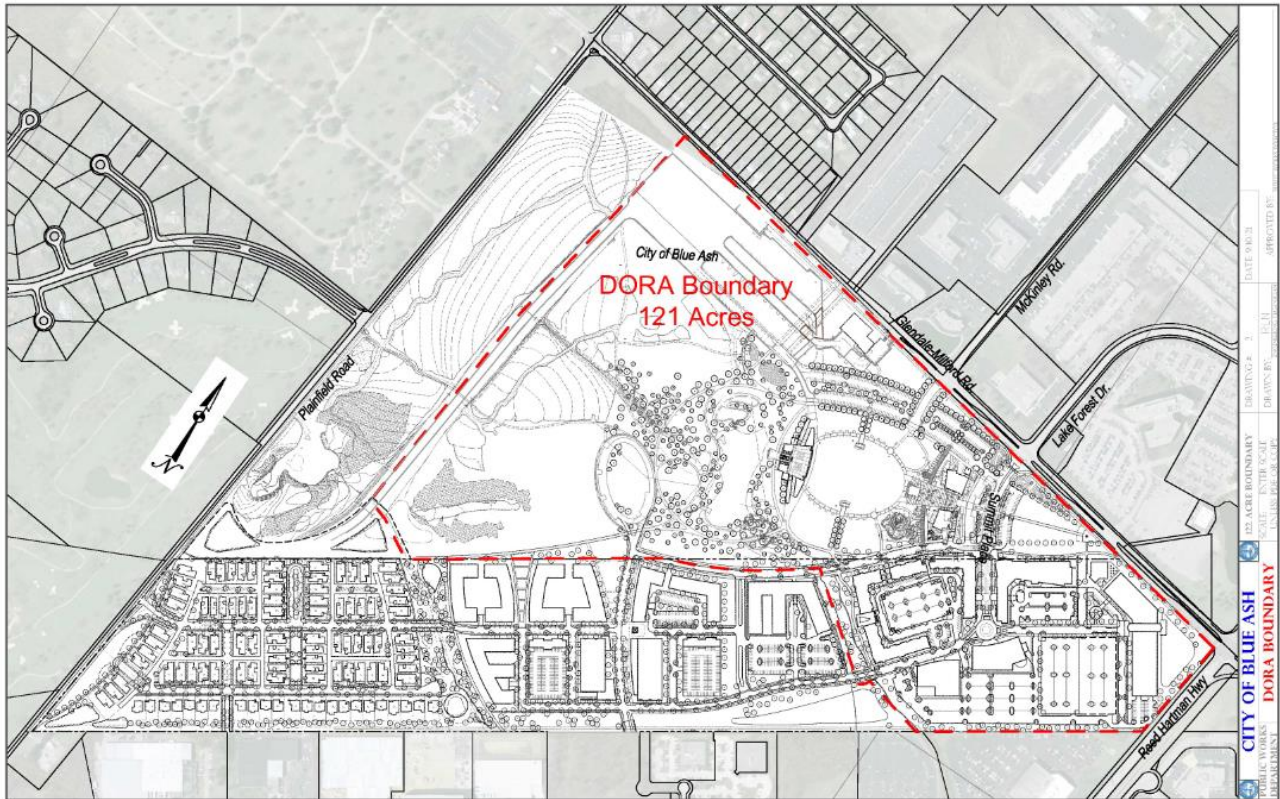
Introduction

Blue Ash Administration respectfully submits the following application to City Council of Blue Ash, Ohio to approve and establish a Designated Outdoor Refreshment Area (hereinafter "DORA"), pursuant to Ohio Revised Code ("ORC") § 4301.82. The proposed application meets all state requirements.

A DORA is an area where the open carry restrictions do not apply at particular hours, and adults are permitted to possess and consume alcohol in public, with certain restrictions. The purpose of the Blue Ash DORA is to further the City's Comprehensive Plan concept of "Alive After Five", provide an additional amenity to visitors of Summit Park and the Neighborhoods of Summit Park, provide for economic betterment of businesses, and provide an additional incentive for restaurants to locate within the area.

Section 1 – Boundaries and Street Addresses

In accordance with the ORC § 4301.82(B)(1)(b) and F(1)(a), the boundaries of the DORA are depicted on the following page. The DORA is approximately 121 acres.



Street Addresses

Street Name	Range	Even/Odd
Gateway Pl	10100-10300	Even & Odd
Glendale-Milford Rd	4100-4600	Odd
Summit Pl	900-1200	Even & Odd
Summit Pkwy	10100-10300	Even & Odd
<u>Streets Developed and Added (Type Date Streets Added)</u>		
Street Name	Range	Even/Odd

Section 2 - Nature and types of establishments located within the proposed DORA

In accordance with ORC § 4301.82(B)(2), the nature and types of establishments located within the DORA are as follows:

The DORA encompasses portions of Blue Ash's Summit Park and the Neighborhoods at Summit Park.

Summit Park is a 130-acre park which includes three restaurants and an ice cream shop, two playgrounds, an observation tower, a great lawn, a sledding hill, and walking paths. The park is home to a number of special events such as Red, White and Blue Ash as well as a weekly farmer's market.

The Neighborhoods at Summit Park (NaSP) is a 100-acre mixed-use development that borders Summit Park. While NaSP is still under construction, the development currently includes The Approach, a 290-unit apartment complex with 39,000sqft of commercial space which will house restaurants, bars, salons, retail, fitness, and a financial institution. Future development at NaSP, within the DORA boundaries, is expected to include office, a hotel, and additional commercial spaces.

Section 3 - Qualified Permit Holders

In accordance with ORC § 4301.82(D)(2), the DORA will encompass not fewer than two qualified permit holders as defined by ORC § 4301.82(A), which are identified as follows:

Permit Holder	Address	Classes	Permit Number
Queen City Hospitality Group LLC	1100 Summit Place, Suite A, Blue Ash, OH 45242	D5I, D6	6619730
Tahona Kitchen LLC	1100 Summit Place, Suite B, Blue Ash, OH 45242	D5, D6	8779183
TSSM LTD	1000 Summit Place, Suite A, Blue Ash, OH 45242	D1, D2, D3, D6	87746480001
Higher Gravity Blue Ash LLC	10241 Summit Parkway, Blue Ash, OH 45242	D5J, D6	3832268

SOURCE: Ohio Department of Commerce, Division of Liquor Control

The following establishments are anticipated future qualified permit applicants within the DORA.

Permit Holder	Location	Expected to open	Expected to serve
The Mighty	The Approach	2022	Boozy milkshakes
Chick'nCone	10269 Summit Parkway, Blue Ash, OH 45242	2022	Craft beer, boozy slushies

Sugar n' Spice Diner	10275 Summit Parkway, Blue Ash, OH 45242	2022	Mimosas
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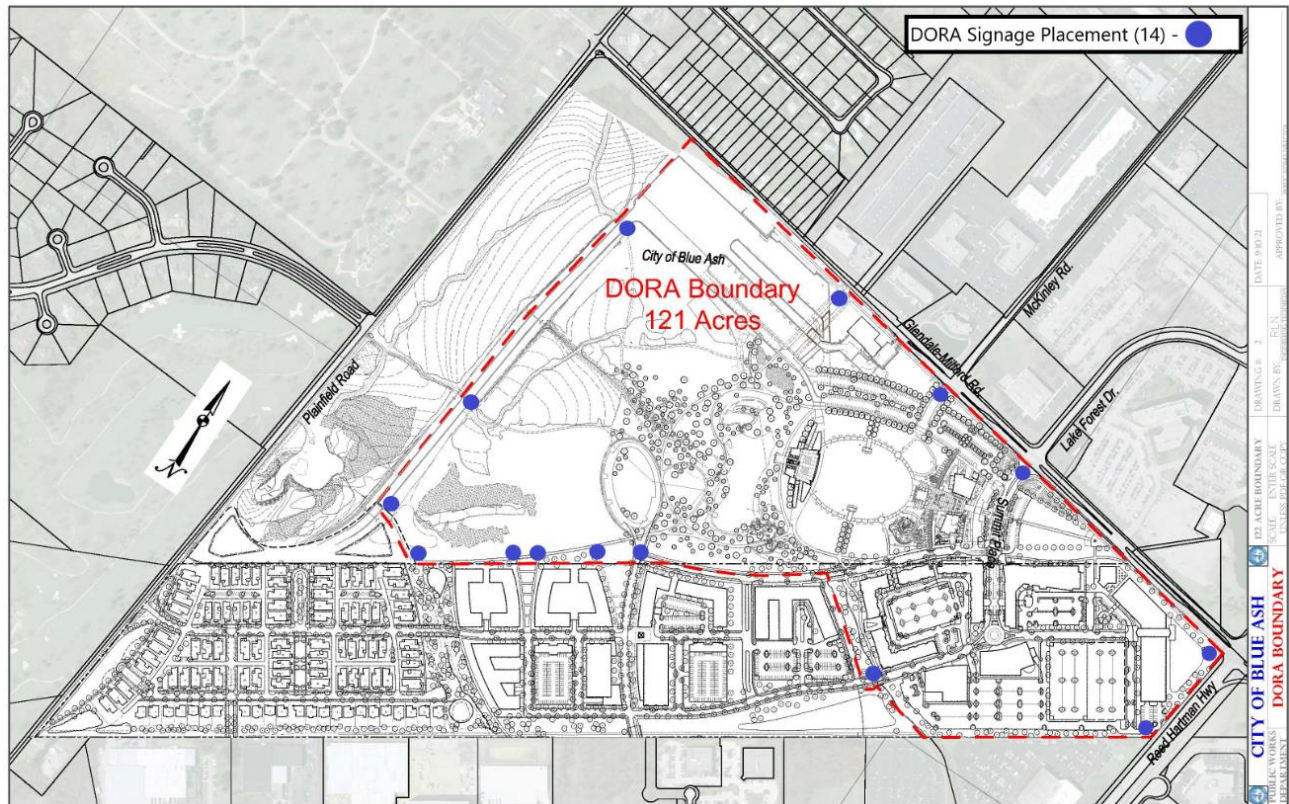
Section 4 - Area Impact

In accordance with ORC § 4301.82(B)(4), evidence that the uses of land within the DORA are in accord with the zoning map of the City of Blue Ash, are as follows:

The uses of land within the proposed DORA are permitted by the City's current zoning map. The parcels within the DORA are located within the Summit Park Zoning District (Summit Park) and a Planned Unit Development District (Neighborhoods at Summit Park). Both zoning districts allow for restaurants, bars, brewpubs, and other food and beverage services.

Section 5 - Signage

In accordance with the ORC § 4301.82(F)(1)(b), there will be a minimum of 14 signs designating the boundary of the DORA. The location and spacing of the signs is shown below. The signs will be mounted and located at all vehicular and pedestrian exit points along the boundary of the DORA. The content and style of this signage shall is also depicted below.



Front Side of Street Signs



Back Side of Street Signs



Section 6 - Hours of Operation

In accordance with ORC § 4301.82(F)(1)(c), the hours of operation for the DORA will be: Monday through Sunday, 10:00 a.m. to 12:00 a.m. (midnight).

The applicant requests that City Administration reserves the right to temporarily suspend DORA operations for a period of up to seven (7) days in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

Section 7 - 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:

This Safety Plan will help maintain public safety within and around the DORA. Current police staffing levels are adequate to maintain public safety within the DORA. The Blue Ash Police Department (BAPD) has numerous resources to patrol and maintain safety within the DORA. The Blue Ash Police Department also has years of experience planning and providing public safety at large events which have occurred at Summit Park, which will now be included in the DORA. The following are details how the BAPD will provide public safety within the DORA:

- The DORA is geographically located in “beat 2” of the BAPD road coverage

structure. The beat 2 officer will have primary responsibility for patrolling and providing public safety in the DORA. The BAPD has at all times, in which the DORA is open, a minimum of three (3) Patrol Officers and one (1) Sergeant on-duty. Even though beat 2 has the primary responsibility, all officers and supervisor working will be able to provide public safety within the DORA.

- Officers will utilize a variety of patrol methods to ease patrolling while providing high visibility within the DORA. Officers have access to pedal bikes, electric bikes, Segways, ATVs, foot patrols, and cruisers.
- Parks and Recreation staff, who work most hours that the DORA is open will also be on site. These non-police staff members provide “eyes and ears” to provide public safety. They provide high visibility employee presence and have the ability to directly communicate with BAPD when police assistance is necessary.
- The on-duty supervisor shall ensure that proper attention is provided to the DORA during operating hours.
- For planned events in the DORA that draw larger than normal crowds, additional officers may be specifically assigned to the DORA at the discretion of the Chief of Police or his designee.
- BAPD has a Community Impact Unit (CIU), which consists of uniformed patrol, plain clothes officers, canine units, and detectives. CIU is available to address on-going problems as well as general public safety on an as needed basis.
- BAPD has a Community Resource Officer (CRO) whose job responsibility is to foster relationships with the community and businesses in the City of Blue Ash. The CRO will maintain updated contact information with the businesses inside the DORA and provide a presence to the community on an as needed basis.
- The Safety Plan shall be evaluated and modified based on feedback and statistical analysis as needed.

The Chief of Police has determined that the Safety Plan described herein is sufficient to maintain public Safety within the DORA. This Safety Plan can be executed with the existing personnel of the City of Blue Ash. Future growth within the DORA may necessitate the need to re-district the patrol beats and make Summit Park and the DORA area a separate and additional patrol beat.

Section 8 - 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:

City of Blue Ash Parks Maintenance Department staff located within Summit Park will be responsible for maintaining safe sanitation standards within the DORA. Located inside of the DORA are thirty-nine (39) garbage receptacles and twenty-five (25) recycling receptacles. Per park maintenance standard operating procedure, all garbage and recycling receptacles are to be emptied (once) daily during times of normal park operation. During times of higher than normal use, Summit Park staff will monitor sanitation requirements and empty receptacles more

frequently if needed. If additional garbage and/or recycling receptacles are deemed necessary, City of Blue Ash Parks Department will provide receptacles as necessary. Current garbage and recycling receptacle locations can be found in the attached Exhibits (A and B).

Exhibit A.

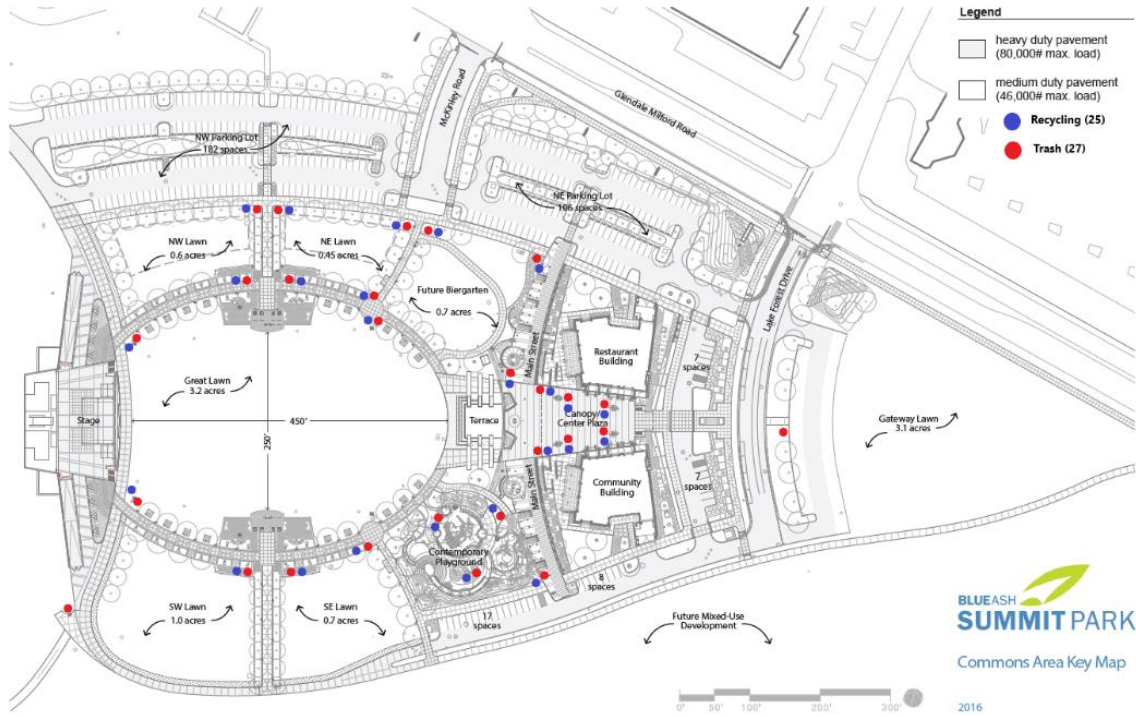
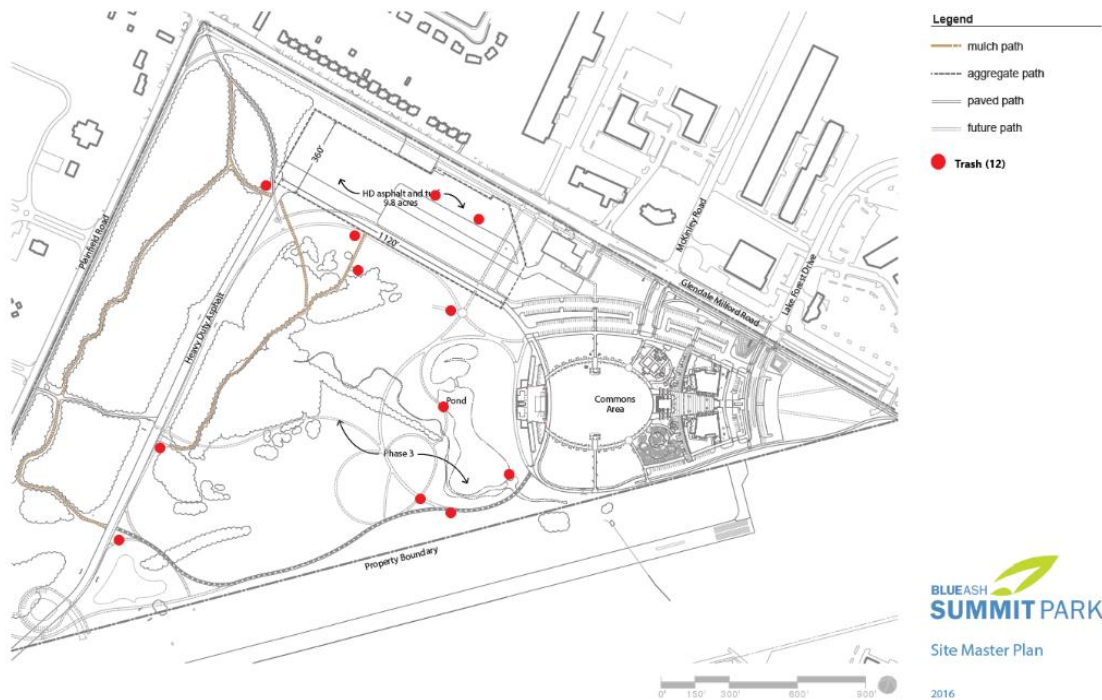


Exhibit B.



Section 9 - 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 in the DORA in the specifically designated non-glass containers produced and provided by the City, the “Official Cup”. No other container will be permitted. If disposable cups are selected, used cups must be recycled before entering any establishment of a qualified permit holder.

Administration requests authority from City Council to approve the design of official non-glass containers to be used by all qualified permit holders within the DORA. Administration anticipates that the content and style of the Official Cup shall, in sum or substance, consist of the following:



Official Cups will be produced and provided by the City. Each qualified permit holder must order and purchase cups through the City. City Administration may withhold the sale of cups to any establishment found to be in non-compliance with local, state, or federal law. Official Cup charges collected will only be used to fund the direct costs incurred by the City in the administration of the DORA, or to otherwise benefit the operations within of the DORA.

Section 10 - Additional Rules and 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:

- A. A person may have in the 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 both

of the following apply:

1. The permit holder's premises is located within the DORA; and
2. The permit held by the permit holder has an outdoor refreshment areadesignation.

B. No person shall do any of the following:

1. 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
2. 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.