

**APPLICATION TO THE TROY CITY COUNCIL
DOWNTOWN TROY
DESIGNATED OUTDOOR REFRESHMENT AREA
ORC 4301.82**



The Office of the Director of Public Service and Safety for the City of Troy, Ohio respectfully submits the following application to the Troy City Council to approve and enact a Designated Outdoor Refreshment Area in Downtown Troy in accordance with ORC 4301 .82.

Submitted: July 16, 2020

By: Robin J. Dale Mayor

By: [Signature] Director of Public Service and Safety

I. INTRODUCTION AND SUBMITTAL OF APPLICATION

The Office of the Director of Public Service and Safety of Troy respectfully submits the following application to City Council of Troy, 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 the state requirements.

Effective April 30, 2017 Section 4301.82 of the Ohio Revised Code authorizes municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas or "DORAs." 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. In order to consider the creation of a DORA, the City Manager must file an application with City Council which meets certain statutory requirements outlined below. 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, City Council may approve or disapprove of the application by ordinance or resolution.

The Downtown business community in coordination with Troy Main Street submitted a letter on July 7, 2020 to the Troy City Council proposing the creation of a DORA in Downtown Troy. The creation of a DORA will provide additional economic enhancement for attracting patrons to Downtown Troy and highlight the area as a destination for dining and entertainment. Over the past three months, Troy Main Street and city staff have engaged the downtown community stakeholders for input and feedback on the DORA concept. The community engagement concluded with expressed general support for the concept to pursue the creation of DORA.

The purpose of this application is to request that the City Council create and approve a Designated Outdoor Refreshment Area (DORA) in the City of Troy. The application includes the following sections:

SECTION II.	BOUNDARY MAP OF THE PROPOSED DORA
SECTION III.	NATURE AND TYPES OF ESTABLISHMENTS
SECTION IV.	QUALIFIED PERMIT HOLDERS
SECTION V.	LAND USE AND ZONING
SECTION VI.	SAFETY PLAN
SECTION VII.	PUBLIC HEALTH PLAN
SECTION VIII.	SIGNAGE PLAN
SECTION IX.	DORA RULES OF OPERATION

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 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 20.66 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 included within the specific boundaries of the DORA.

<u>Street Name</u>	<u>Address Range</u>	<u>Even/Odd</u>
W. Water St.	9-111	Even & Odd
E. Water St.	3-301	Even & Odd
W. Main St.	2-220	Even & Odd
E. Main St.	2-121	Even & Odd
W. Franklin St.	1-19	Odd
E. Franklin St.	10-22	Even
N. Cherry St.	20	Even & Odd
S. Cherry St.	12-19	Even & Odd
N. Walnut St.	11-31	Even & Odd
S. Walnut St.	20	Even
N. Market St.	1-113	Even & Odd
S. Market St.	4-224	Even & Odd
NE Public Square	121	Odd
NW Public Square	101	Odd
SE Public Square	217-303	Odd
SW Public Square	319-405	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 the retail, restaurant, entertainment and services sectors.

Within the DORA, the majority of the buildings have businesses consisting of retail, restaurants and commercial services on their first floor. The upper-level floors have a mixture of office space and residential units. There are also institutional uses typical of a historic downtown such as the Troy Historic Public Library, Troy City Hall, Troy Police Department, and city-owned park land.

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

RETAIL	
Establishment	Address
Echo Boutique	101 S. Market St.
Pachamama Market	116 S. Market St.
Poppy Boutique	103 S. Market St.
Three Weird Sisters	15 S. Market St.

FINANCE/SERVICE COMMERCIAL	
Establishment	Address
AllState Insurance	220 W. Main St.
Benefits Analysis Corporation	101 W. Water St.
Carr Insurance Group	115 S. Market St.
Edward Jones	101 Public Square

DINING	
Establishment	Address
Bakehouse Bread & Cookie Company	317 Public Square
Basil's on Market	18 N. Market St.
Submarine House	14 N. Market St.
The Caroline	5 S. Market St.

INSTITUTIONAL/GOVERNMENT	
Establishment	Address
Masonic Temple	107 W. Main St.
Troy City Hall	100 S. Market St.
Troy Police Department	124 E. Main St.
Historical Library	100 W. Main St.

Residential housing within the DORA is limited and consists primarily of urban apartments and the Metropolitan Housing Authority units which exists within the Central Business District. There are a limited number of single-family residential units along the periphery of the DORA.

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 City of Troy has identified 14 qualified permit holders that will likely be included in the DORA, which are identified as follows:

PERMIT NO.	PERMIT HOLDER	DBA	ADDRESS	PERMIT CLASS
6548218	111 W WATER LLC	DBA BREWERY 1ST & 2ND FL WESTSIDE ONLY	111 W. Water St.	D5
6551088	116 WEST MAIN LLC		116 W. Main St.	D1, D2, D3, D3A
08984010833	BPOE LODGE0833 TROY		17 W. Franklin St.	D4
41529790222	IORM TRIBE0222 TONQUAS		103 1/2 E. Main St.	D4
51274320005	LEOS LA PIAZZA INC		2 E. Main St.	D1, D2, D3, D6
6083150	MOJO ENTERPRISES LLC	DBA MOJOS BAR & GRILL 1ST FL & BSMT	107-109 E. Main St.	D5
6253015	MUSIC & SPIRITS LLC	DBA LEAF & VINE 1ST FL BSMT & MEZZANINE & PATIO	108 W. Main St.	D1, D2, D3, D3A
8311412	STEVE & MELANIE SMITH LLC	DBA THE CAROLINE 1ST FL PATIO & MEZZANINE	5 S. Market St.	D1, D2, D3, D6
8652655	STUDIO 14 CREATIVE ARTS CENTER LLC	DBA STUDIO 14 CREATIVE ARTS CENTER	8 N. Market St.	D2
86730300006	SUBMARINE TYME LLC	DBA SUBMARINE HOUSE NO 6	14 N. Market St.	D5, D6
8774977	TABERNACLE BREWING COMPANY LLC	DBA MOELLER BREW BARN	214 W. Main St.	A1A, A1C
9138509	TODD M UHLIR	DBA BASILS ON MARKET	18 N. Market St.	D5, D6
89587650005	TOKYO PEKING RESTAURANT INC	DBA TOKYO PEKING RESTAURANT 1ST FL & BSMT	3 N. Maket St.	D5
90626350005	TROJAN RENTALS INC	DBA ONE STOP DRIVE THRU	211 S. Market St.	C1, C2

V. LAND USE AND ZONING

In accordance with ORC 4301.82(B)(4), the land uses within the DORA are zoned B-3 Central Business District (CBD), B-1 Local Retail District, B-2 General Business District, OR-1 Office-Residential District, R-7 Multiple Family District and M-2 Light Industrial District and are in accordance with the City of Troy Comprehensive Plan as provided for in **Exhibit B**.

The Troy Comprehensive Plan designates the CBD as the Downtown District with the primary focus to preserve and enrich Downtown Troy. This designation's objective is to maintain, enhance, and grow the Downtown District as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts, and entertainment uses. The Downtown District maintains a highly urban, pedestrian-focused environment through building and streetscape.

The 2017 Troy Downtown Riverfront Strategic Development Study identifies key initiatives to maintain and enhance the special character of Troy's downtown and riverfront corridor, protect its sense of place, encourage investments, and create a dynamic commercial and residential district by attracting residents and visitors to enjoy downtown by creating additional programs to enhance local businesses and existing events. The properties within the proposed DORA are located within, or surround, the Central Business District which exemplifies the mixed-use development pattern within Downtown Troy.

The creation of a DORA in downtown Troy aligns with the City's Comprehensive Plan and objective to define this area as a popular destination for dining and entertainment within the City. The DORA is focused around the Central Business District wherein restaurants, bars, taverns, brewpubs and microbreweries 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. A copy of which is attached hereto as **Exhibit C**. The Safety Plan can be executed with existing staff.

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 D**. The Sanitation Plan can be executed with existing staff.

VIII. SIGNAGE PLAN

In accordance with the ORC § 4301.82 F(1)(b), a minimum of twenty-four (24) signs will be displayed throughout the boundary of the DORA. The signs will be located at street intersections along the boundary of the DORA. The location and spacing of the signs are shown on attached **Exhibit D**.

IX. RULES OF OPERATION

A. Hours of Operations

In accordance with ORC § 4301.82 (F)(1)(c), the hours of operation for the DORA will be Wednesday through Friday from 5:00p.m. to 12 a.m. (midnight) and Saturday through Sunday from 12:00 p.m. (noon) to 12:00 a.m. (midnight).

The applicant requests that City Council reserve the right to temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

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 the specifically designated plastic cup approved by the City (the "Official Cup"). The Official Cup will be distinctly marked. No other container will be permitted. Used cups must be 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 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:
 - a. The permit holder's premises 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: DORA BOUNDARY

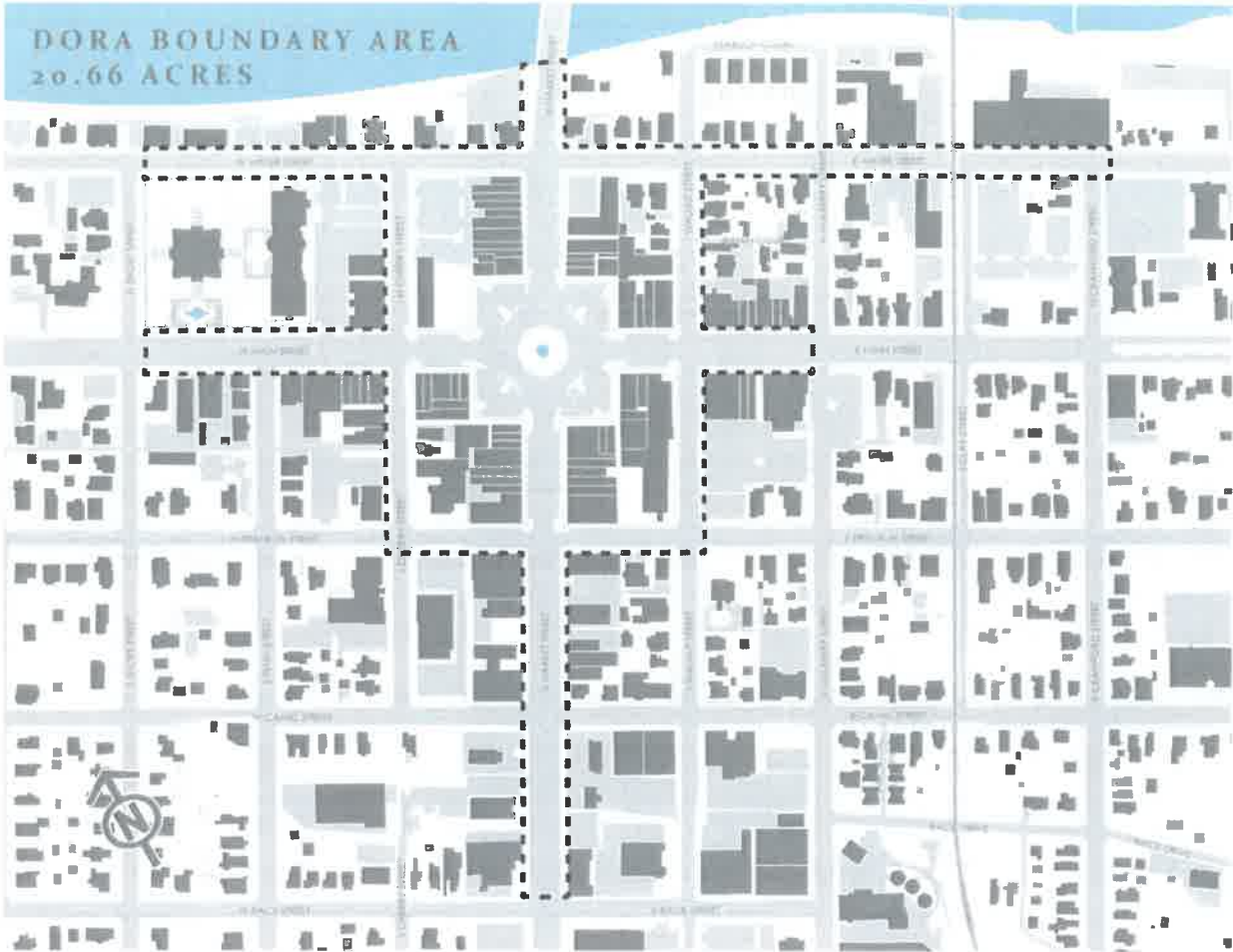


EXHIBIT B: OFFICIAL ZONING MAP OF DORA

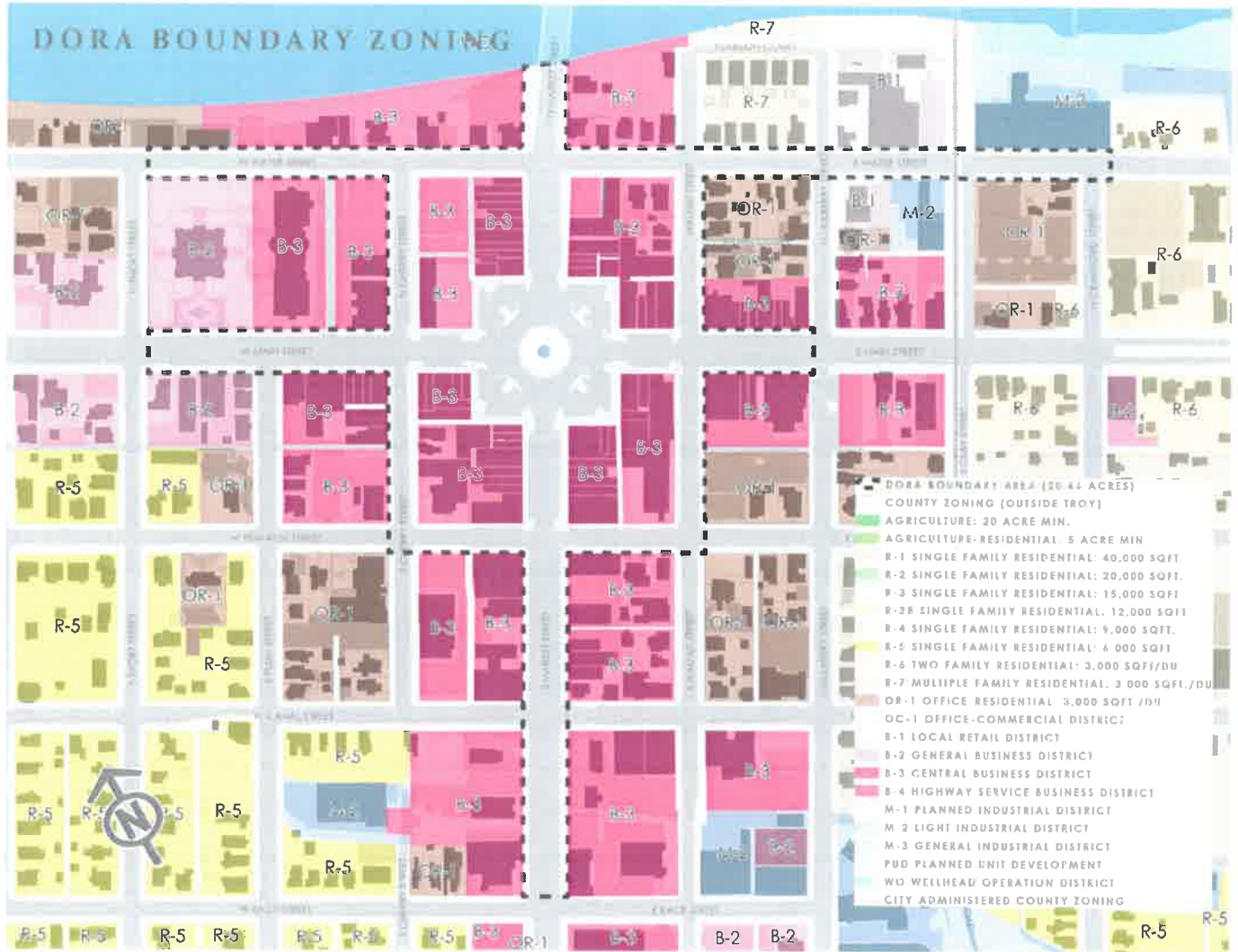


EXHIBIT B: COMPREHENSIVE PLAN (APPENDIX L): 2017 TROY DOWNTOWN RIVERFRONT STRATEGIC DEVELOPMENT STUDY

0-2 YEARS INFILL DEVELOPMENT & KEY PUBLIC SPACES



Key Policy Initiatives

- Perform a legislative review of current policies and ordinances to identify barriers to private sector implementation of the strategic initiatives.
- Review and implement high-priority initiatives of the Downtown Parking Study that support the goals of this Strategic Development Study.
- Review current development planning programs and their respective boundaries to ensure support of the initiatives in this Study. For complete list of tasks, refer to the Development Guide in this Appendix.
- Create a CDBG fund-type program that will provide critical gap financing.
- Facilitate partnership with project hospital to ensure quality design, development opportunities with community and expedited approvals for the first and subsequent phases of work.
- Adopt and stabilize key ordinances and findings.
- Commission a Landmark River Frontage Feasibility Study that will evaluate the impacts of reimagining Troy's waterfront.
- Review existing inventory programming, operations, and capital improvements of the current Parks and Recreation system.

The promises laid out by Activate Troy and its public stakeholders were clear: address the negative perception of Troy's walkability, improve connections to transit, and take advantage of key development sites such as those near the new Lasz Building and the former Hahart/Cabnet site on West Main Street.

That amongst the initiatives in this phase of work is commercial and residential infill development to build off momentum being created by the Lasz development, the Kettering Hospital Announcement and the proposed redevelopment of the Callahan-Alton-Sullivan C&S Building. However, possible infill development should come in the form of adaptive reuse of existing buildings or the development of parking lots and vacant land. Only when the

condition of a structure precludes its adaptive reuse should replacement structures be considered. New structures, both replacement and development on vacant land, should be built to accommodate any number of uses and reflect or reinterpret the diverse industrial and mercantile history of Troy's architecture. Potential infill opportunities along Water Street and Canal Street present the highest critical mass of this type of development although other opportunities throughout Downtown also exist.

While infill opportunities are pursued, investments in public space can be made by both public and private interests. A community garden, upgrades to Peadar Plaza, an Arts Walk along Clay Street, and a Water Street Heritage Trail may be developed either by the

City or with non-profit and corporate partners. Public space along the river can also be created in places such as the proposed Troy Truck Yard on the river side of the former Hahart/Cabnet building. Policies such as refining the Development Guide and building the zoning ordinances can further help accelerate and improve the quality of development.

POTENTIAL DEVELOPMENT SUMMARY

RESIDENTIAL	38 units
RETAIL/COMMERCIAL	19,800 sq ft

2-5 YEARS RECRUIT & ATTRACT AMENITIES AND ANCHORS



POTENTIAL DEVELOPMENT SUMMARY

RESIDENTIAL	432 units
RETAIL/COMMERCIAL	31,800 sq ft
OFFICE FLEET	335,000 sq ft
COMMUNITY/INSTITUTIONAL	172,000 sq ft
PARKING	700 spaces

The second investment horizon for Downtown Troy is in the two-to-five year time frame. The work accomplished in the first phase will drive the successful recruitment and attraction of new amenities and anchors that start to settle up Troy's ability to retain and attract residents, a talented and creative workforce, and employers.

Around this time, the new Kettering Health Network hospital will have its first phase of development complete. This will anchor Downtown's west side with the proposed Water Street Heritage Trail (see 0-2 year) connecting it through the downtown core and eastward to the former Hahart/Cabnet building where the Troy Truck Yard and Clay Street Arts Walk are proposed (see 0-2 year).

This harbor of initial investment will attract two-to-five year investments along and adjacent to it. This includes a small-scale retail-institutional and additional courtyard fabrication lots at the former Hahart/Cabnet building, the potential redevelopment of Spangler Cousins east of the Cabnet building, and development of the Hahart Area parking lots across the river. Additional amenities and demand drivers, such as the Downtown condo rental program and the reuse of the gray elevator building as a low-cost indoor/outdoor climbing facility and view deck, can also be realized in the window of time. To connect it all, the Study proposes multiplying select overcast downtown streets to engage their safety and economic performance while reimagining their current travel and parking functions.

5-10 YEARS INVEST AT EDGES, GROW AT HEART



POTENTIAL DEVELOPMENT SUMMARY

RESIDENTIAL	276 units
RETAIL/COMMERCIAL	5,000 sq ft
COMMUNITY/INSTITUTIONAL	30,000 sq ft
PARKING	300 spaces

Years zero-to-five set the stage for larger investment in the five-to-ten year window. These investments will be focused on growing the heart of Downtown while bringing online initiatives at the periphery of Downtown to expand the level of connectivity from surrounding neighborhoods to and from a growing downtown core.

In this window of time, the Kettering Health Network hospital campus is planned to be complete, the balance of the River District north of the Great Miami could be completed, large infill development sites around the Public Square and near the hospital might be realized, and a dedicated, iconic pedestrian bridge may be built to connect Downtown directly to its new River District.

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

City of Troy Police Department and Fire Department will be responsible for providing public safety within the DORA through law enforcement and fire/EMS services.

Law Enforcement Responsibilities

The Troy Police Department will be responsible for providing law enforcement services within the DORA. The Police Department Headquarters is located within the DORA boundary. A uniformed officer will be assigned to the DORA as part of their routine patrol route with responsibility for providing services within the DORA.

The on-duty supervisor shall ensure that appropriate attention is provided to the DORA during the hours of operation. In the event that an above-average number of people are in the DORA, the on-duty supervisor may assign additional officers and/or assign an officer to specifically patrol the DORA. The use of foot patrol and bicycle patrol will be considered as alternate methods of patrolling in the DORA.

For planned events in the DORA that may draw a larger than normal attendance, the Chief of Police may have additional officers and/or other agency personnel assigned specifically to the DORA.

Fire/EMS Responsibilities

The Troy Fire Department will be responsible for providing Fire, Rescue, and EMS within the DORA. Station One is currently located within the DORA boundary. Estimated response time would be between two and three minutes to any area within the DORA.

For planned events in the DORA that may draw larger than normal attendance, the Fire Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

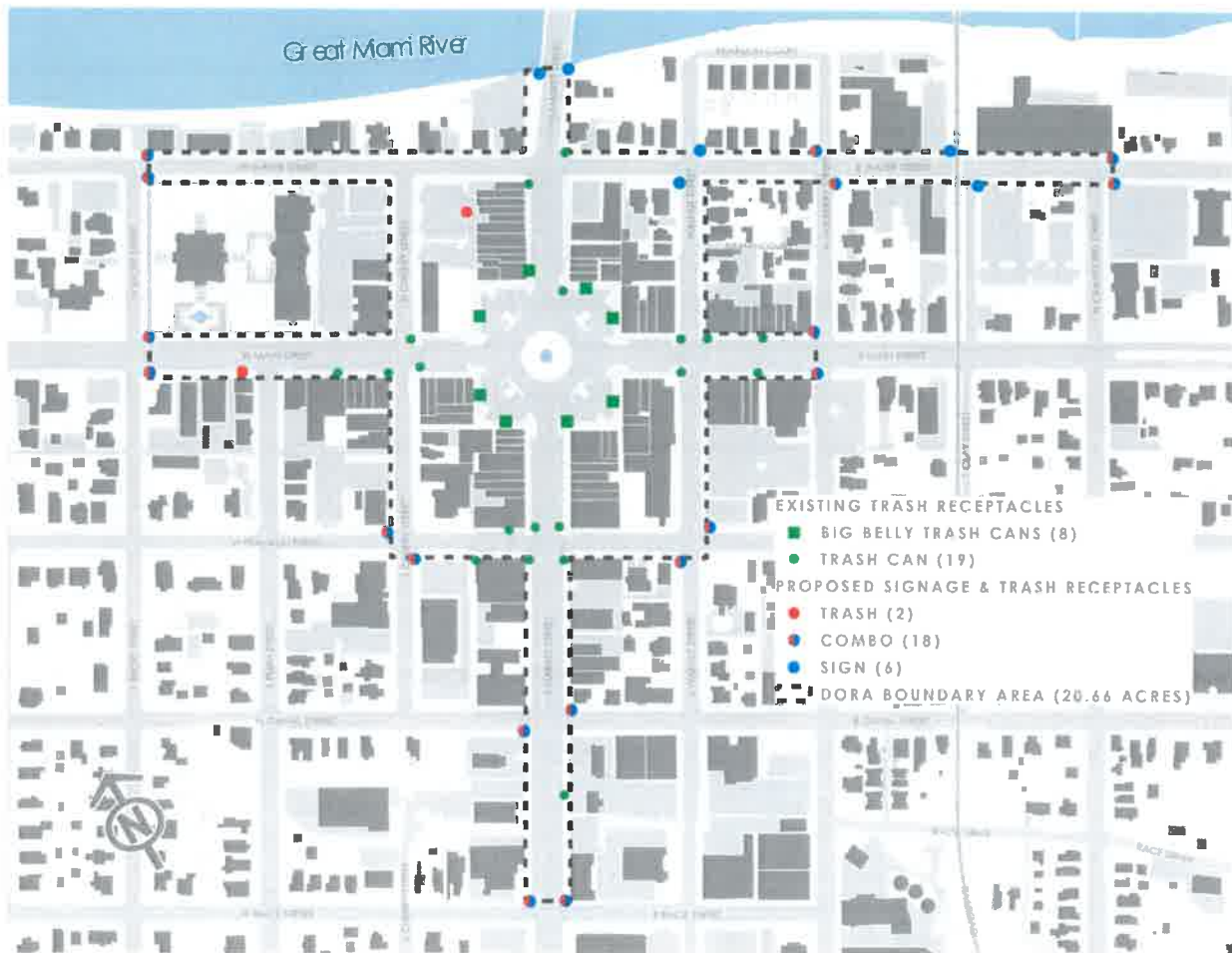
EXHIBIT D

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 & SANITATION PLAN

City of Troy Public Works Department will be responsible for maintaining the appearance and public health within the DORA through trash collection, street sweeping, routine maintenance and signage placement.

Exhibit A shows that there are currently twenty-seven (27) permanent trash receptacles placed along throughout the DORA that are serviced multiple times per week (shown in green). The City is proposing the installation of two (2) new trash receptacles within the Designated Outdoor Refreshment Area (shown in red) and a combination of eighteen (18) trash cans with signage attached (eight additional signs will be placed throughout the DORA to mark the boundaries). This combination of existing and new receptacles and will allow for forty-seven (47) total trash receptacles. Additional collections will be done on an as-needed basis. The City's Street Department will monitor the receptacles and signs and coordinate additional collections and signs if needed.



DOWNTOWN PUBLIC PARKING MAP

TROY OHIO

Downtown Parking

4-Hour Limit
Monday-Friday 8 a.m. to 6 p.m.

2-Hour Limit
Monday-Friday 8 a.m. to 6 p.m.

30-Minute Limit
Monday-Friday 8 a.m. to 6 p.m.

**Reserved, Police, and
Loading Zone Parking**

**Unmarked street parking has
no time limit. Public lots offer
unrestricted parking from
6 a.m. to 3 a.m.**

**Please observe all parking restrictions.
Accessible and no-parking spaces
will be enforced at all times.**



Visit our local businesses! For more information, visit: Troy Main Street | 405 SW Public Square, Suite 231 | Troy, OH 45373 | 937.339.5455 | troymainstreet.org

OFFICIAL DORA CUPS, LOGO, RECEPTABLES, DECAL and SIGNS

