

**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: February 9, 2021

By: Robin J. Oda 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 Director of Public Service and Safety 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 six months, Troy Main Street and city staff have engaged the downtown community stakeholders for input and feedback on the DORA concept. In addition, the City surveyed 25 DORA communities across the State of Ohio to obtain feedback on their experiences with a DORA. The survey results and community engagement 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 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 20.24 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.	9-201	Even & Odd
E. Water St.	3-301	Even & Odd
N. Crawford St.	34	Even
W. Main St.	2-220 ½	Even & Odd
E. Main St.	1-124	Even & Odd
W. Franklin St.	1-17	Odd
E. Franklin St.	10-50	Even
N. Cherry St.	20	Even & Odd
S. Cherry St.	5-19	Even & Odd
N. Walnut St.	9-31	Even & Odd
S. Walnut St.	17-21	Even & Odd
N. Market St.	2-113	Even & Odd
S. Market St.	4-235	Even & Odd
NE Public Square	1-201 ½	Odd
NW Public Square	101	Odd
SE Public Square	217-305 ½	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 Lane 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
Miami County Safety Building	201 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	Brewery 1st & 2nd Fl Westside Only	111 W. Water St.	D5
6551088	116 West Main LLC	Tavern	116 W. Main St.	D1, D2, D3, D3A
08984010833	Bpoe Lodge0833 Troy	Elks	17 W. Franklin St.	D4
41529790222	Iorm Tribe0222 Tonquas	Redmen	103 1/2 E. Main St.	D4
90782710005	Troy Meat Shop LLC	Harens Market 1st & 2nd Fl & Bsmt	2 E. Main St.	D1, D2
6083150	Mojo Enterprises LLC	Mojos Bar & Grill 1st Fl & Bsmt	107-109 E. Main St.	D5
0006177	Agave & Rye Troy LLC	Agave & Rye	2 N Market St.	D1, D2, D3, D3A, D6
6253015	Music & Spirits LLC	Leaf & Vine 1st Fl Bsmt & Mezzanine & Patio	108 W. Main St.	D1, D2, D3, D3A
8311412	Steve & Melanie Smith LLC	The Caroline 1st Fl Patio & Mezzanine	5 S. Market St.	D1, D2, D3, D6
8652655	Studio 14 Creative Arts Center LLC	Studio 14 Creative Arts Center	8 N. Market St.	D2
86730300006	Submarine Tyme LLC	Submarine House No 6	14 N. Market St.	D5, D6
8774977	Tabernacle Brewing Company LLC	Moeller Brew Barn	214 W. Main St.	A1A, A1C
9138509	Todd M Uhlir	Basils on Market	18 N. Market St.	D5, D6
89587650005	Tokyo Peking Restaurant INC	Tokyo Peking Restaurant 1st Fl & Bsmt	3 N. Market St.	D5

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, off-street parking requirements will be enforced a copy of which is attached hereto as **Exhibit C**. 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 the ORC § 4301.82 (F)(1)(b), a minimum of twenty-four (24) signs will be displayed throughout the boundary of the DORA as depicted on attached **Exhibit D**. Boundary 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 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 Thursday, Friday, and Saturday from 12:00 p.m. (noon) to 10:00 p.m.

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, as on attached **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 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 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: DORA BOUNDARY

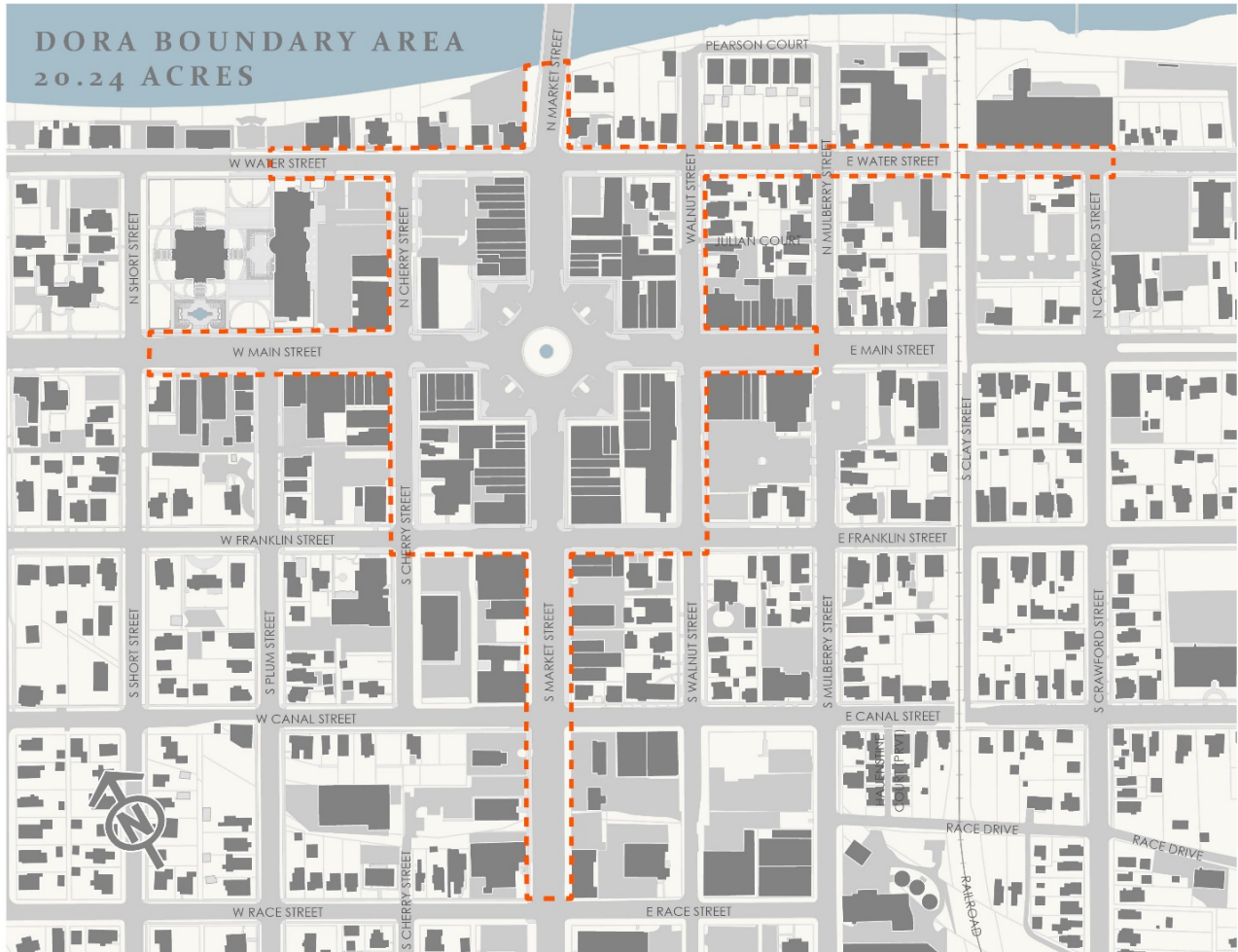


EXHIBIT B: OFFICIAL ZONING MAP OF DORA

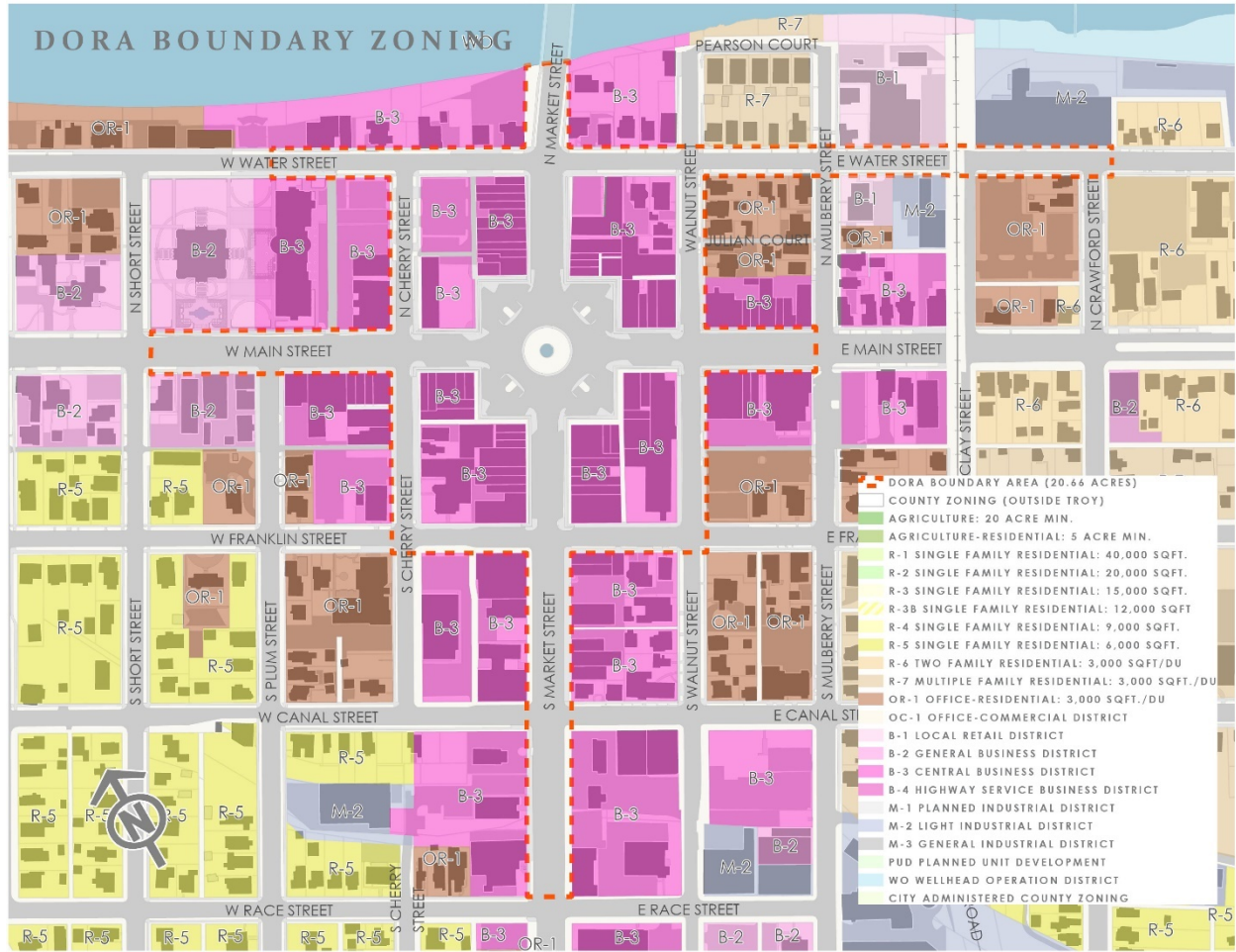


EXHIBIT B: COMPREHENSIVE PLAN (APPENDIX L): 2017 TROY DOWNTOWN RIVERFRONT STRATEGIC DEVELOPMENT STUDY

0-2 YEARS INFILL DEVELOPMENT & KEY PUBLIC SPACES



- ### Key Policy Initiatives
- Perform a regulatory 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 financing programs and their respective boundaries to ensure support of the initiatives in this Study. For complete list of items, refer to the Development Toolkit in the Appendix.
 - Create a CDMR Fund-type program that will provide project gap financing.
 - Expand partnership with proposed hospital to ensure quality design, streamlined connections with community, and expedited approvals for the first and subsequent phases of work.
 - Acquire and stabilize key properties and buildings.
 - Commission a Lockhead Dam Removal Feasibility Study that will evaluate the impacts of removing Troy's lockhead dam.
 - Review existing inventory, programming, operations, and capital improvements of the current Parks and Recreation system.

The priorities laid out by Activate Troy and its public stakeholders were clear: address the negative perception of Troy's east side, improve connections to river, and take advantage of key development sites such as those near the new Lins Building and the former Hobart/TW site on West Main Street.

Chief amongst the initiatives in this phase of work is commercial and residential infill development to build off momentum being created by the Lins development, the Kettering Hospital announcement, and the proposed redevelopment of the Coleman-Alton-Saideman (CAS) Building. Wherever 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 largest 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 Prouty 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 Hobart Cabinet building. Policies such as refining the Development Tools and auditing the zoning ordinances can further help accelerate and improve the quality of development.

POTENTIAL DEVELOPMENT SUMMARY

RESIDENTIAL	26+ units
RETAIL/COMMERCIAL	10,000 sq ft

2-5 YEARS RECRUIT & ATTRACT AMENITIES AND ANCHORS



POTENTIAL DEVELOPMENT SUMMARY

RESIDENTIAL	450 units
RETAIL/COMMERCIAL	25,000 sq ft
OFFICE/FLEX	295,000 sq ft
COMMUNITY/INSTITUTIONAL	170,000 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 scale 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 years) connecting it through the downtown core and eastward to the former Hobart Cabinet Building where the Troy Truck Yard and Clay Street Arts Walk are proposed (see 0-2 years).

This barbell of initial investment will attract two-to-five year investments along and adjacent to it. This includes a metallurgical art-in-residency and advanced co-working fabrication lab in the former Hobart Cabinet building, the potential redevelopment of Spineaker Coatings east of the Cabinet building, and development of the Hobart Arena parking lots across the river. Additional amenities and demand drivers, such as the Downtown condo rental program and the reuse of the grain elevator building as a best-in-class indoor/outdoor climbing facility and view deck, can also be realized in this window of time. To connect it all, the Study proposes modifying select oversized downtown streets to improve their safety and economic performance while maintaining their current travel and parking functions.

5-10 YEARS INVEST AT EDGES, GROW AT HEART



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.



DOWNTOWN TROY TODAY

POTENTIAL DEVELOPMENT SUMMARY

RESIDENTIAL	275 units
RETAIL/COMMERCIAL	5,000 sq ft
COMMUNITY/INSTITUTIONAL	30,000 sq ft
PARKING	300 spaces

EXHIBIT D



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 & SANITATION PLAN

City of Troy Street Department and Park Department 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 forty-seven (47) permanent trash receptacles (shown in green and half-green-half-blue) placed throughout and along the DORA boundary serviced multiple times per week. The City is proposing the installation of eighteen (18) signs on the existing trash receptacles (shown in half-green-half-blue) and an additional six (6) signs throughout the DORA to mark the boundaries (shown in blue). The City's Street and Park Departments will monitor and empty full litter receptacles Friday, Saturday, and Sunday mornings in addition to the regular pick up schedule. The Street Department will coordinate the installation of additional signage if needed.

