

Application to Bexley City Council
for the establishment of the



"Bexley Patio"
Designated Outdoor Refreshment Area
in accordance with Ohio Rev. Code §4301.82

The Office of the Mayor of the City of Bexley respectfully submits the following application to Bexley City Council to approve and enact a Designated Outdoor Refreshment Area, in accordance with Ohio Rev. Code §4301 .82.

Passed April 27, 2021
Amended May _____, 2025

Application Cover Letter

In March of 2021, I formally submitted an application to City Council to consider the establishment of a Designated Outdoor Refreshment Area (commonly referred to as a "DORA") in the Main Street District of Bexley, in the belief that the enactment of such legislation would serve the cultural and economic betterment of the businesses, residents and property owners in the Main Street District, as well as the whole of Bexley, by enhancing outdoor dining and special events, and by further establishing the Main Street District as a vibrant destination for entertainment, culture and activity. Council approved the "Bexley Patio DORA" in April of 2021, and it has been in place since that date.

This amendemnt of the DORA is filed with Bexley City Council as a proposal to expand the Designated Outdoor Refreshment Area (DORA) to include several parcels to the east of the current boundary, at the request of a business that operates within the expanded area. Ohio Rev. Code §4301.82 provides regulations for: establishing the boundaries of a DORA, the signage required to identify the district boundaries, the DORA days/hours of operation, requirements for sanitation and safety plans, and consideration of the impact on the area.

Approval of City Council is required to amend an existing DORA within the City of Bexley. Pursuant to Ohio Rev. Code §4301.82, I therefore respectfully submit the attached petition to Bexley City Council for review, consideration and adoption.

The City of Bexley is guided by state law in consideration of the amended DORA. Specifically, the City must comply with the following requirements:

- The City must publish a public notice of the application for a DORA, which must run for two consecutive weeks. The application also must be made available for review by the public. Per these state requirements, notice of this DORA application will be published on April 14, 2025 and April 21, 2025 in The Columbus Dispatch, as well as on the City's website. The application will be posted and available for review on the home page of the City's website, Bexley.org, and will also be available at City Hall.
- A public hearing must be held within 45 days of receiving the petition. A public hearing will be scheduled for May 13, 2025.
- Not earlier than 30 days, but no more than 60 days, after initial publication of the Notice, City Council must approve or disapprove the application by ordinance or resolution.
- If approved, the City must notify the State Division of Liquor Control and the Department of Public Safety of the approved application.
- The Ordinance amending the DORA must include the boundaries, signage, hours of operation, a public safety plan, sanitation plan, and requirement for participating vendors to serve in a compostable cup.
- City Council shall review the DORA every five years from the date the DORA is created (the initial review is due to occur in April of 2026).
- City Council has the authority to dissolve all or part of the DORA upon proper notice.
- The City Administration and the CDA may agree to change the plan, within the terms set in the petition, as needed.

Section 4301.82 of the Ohio Revised Code authorizes municipalities to create a Designated Outdoor Refreshment Area. In order to consider the creation of a DORA, the Executive Officer of the municipal corporation must file an application with the legislative body that identifies operational details of the DORA and meets specified statutory requirements. 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, Council may approve or disapprove of the application by ordinance or resolution. Upon approval by Council, the DORA is created. The Ohio Division of Liquor Control then is responsible for issuing permits to all A-1, A-1-A, A-1c, A-2, A-2f, or D liquor permit holders (except a D8 class that holds a C class permit) located within the DORA boundaries.

In accordance with Ohio Rev. Code §4301.82, the Mayor respectfully submits the following application to Bexley City Council to amend the "Bexley Patio Designated Outdoor Refreshment Area". In summary, this application proposes the following:

- The expansion of the DORA on the south side of Main Street, to incorporate the parcels between Cassingham Road and Montrose Avenue. (See, Section II, "Boundaries," for more detail.)

This application is submitted in the belief that a DORA will enhance the ability of Bexley businesses to serve the Bexley and greater Columbus community. I thank Council in advance for reviewing and considering approval of the application for the expansion of the Bexley Patio DORA.

Respectfully Submitted,



Mayor Ben Kessler



Boundaries of Proposed DORA

The City of Bexley is a municipal corporation with a population of less than thirty-five thousand, which allows the creation of an outdoor refreshment area as outlined in Ohio Rev. Code §4301.82(D). In accordance with Ohio Rev. Code §4301.82(B)(1), the boundaries of the proposed DORA are depicted below:

Description of Boundary

Between Alum Creek to the west and Cassingham Road to the east, bounded on the north and south by the Main Street service alleys, and including the commercial properties on Drexel Avenue, just north of Main Street, but excluding the properties owned by Capital University, Christ Lutheran Church, and Torat Emet Synagogue. Said description contains approximately twenty-five (25) acres.



Parcels

Pursuant to Ohio Rev. Code §4301.82(F)(1)(a), the parcels in the attached "Exhibit A" are included within the proposed DORA boundary, as are the adjoining rights-of-way.

Nature and Type of Establishments

Pursuant to Ohio Rev. Code §4301.82(B)(2), the following lists examples of the nature and types of establishments located within the proposed DORA. These businesses, which primarily are in the retail, dining, and services sectors, include:

Restaurants

| Establishment Name | Address |
|-----------------------------|-------------------------|
| Moshi Sushi | 2152 East Main Street |
| Rusty Bucket | 2158 East Main Street |
| Brassica | 2212 East Main Street |
| Giant Eagle Market District | 2250 East Main Street |
| Newfangled Kitchen | 2258 East Main Street |
| Giuseppe's | 2268 East Main Street |
| Cherbourg Bakery | 541 South Drexel Avenue |
| Graeter's Ice Cream | 2282 East Main Street |
| Anthony's Pizza | 602 Pleasant Ridge |
| Harvest Pizza | 2376 East Main Street |
| Zen Cha | 2396 East Main Street |
| Aab India | 2400 East Main Street |
| Kittie's Cafe | 2414 East Main Street |
| Cafe Istanbul | 2455 East Main Street |
| Starbucks | 2450 East Main Street |
| Jersey Mike's | 2480 East Main Street |
| Chipotle | 2484 East Main Street |
| Penn Station | 2500 East Main Street |
| Jimmy John's | |
| The Lion | 2511 East Main Street |

Retail

| Establishment Name | Address |
|-----------------------------|-------------------------|
| Giant Eagle Market District | 2250 East Main Street |
| Urban Emporium | 2260 East Main Street |
| Gregg Frame Studio | 537 South Drexel Avenue |
| The Avante Garden | 539 South Drexel Avenue |
| Art Access | 540 South Drexel Avenue |
| Gramercy Books | 2412 East Main Street |
| Macelleria | 2474 East Main Street |
| Bobbie's Shoppe | 2529 East Main Street |

Services

| Establishment Name | Address |
|--------------------------------------|-------------------------|
| Ohio State Bank | 2106 East Main Street |
| Clean Title | 2106 East Main Street |
| Bespoke Salon Studio | 2154 East Main Street |
| Raymond James | 2154 East Main Street |
| USRC | 2154 East Main Street |
| Bexley Urgent Care | 2216 East Main Street |
| VIP Nails | 2220 East Main Street |
| Orange Theory Fitness | 2222 East Main Street |
| The Pilates Studio | 2226 East Main Street |
| Bexley City Hall | 2242 East Main Street |
| Drexel Theatre | 2254 East Main Street |
| Be Well Fitness Studio | 2264 East Main Street |
| Verite Dermatology | 545 South Drexel Avenue |
| Bexley Bed & Breakfast | 519 South Drexel Avenue |
| Gledhill Robbins & Talis HER | 2256 East Main Street |
| Coldwell Banker King Thompson Bexley | 2288 East Main Street |
| Bexley Optical Boutique | 2286 East Main Street |
| Theresa Bush State Farm | 2284 East Main Street |
| Carroll Family Dental | 2284 East Main Street |
| Bexley Area Chamber of Commerce | 542 South Drexel Avenue |
| Bexley Community Foundation | 552 South Drexel Avenue |
| Breslow Eye Care | 2354 East Main Street |
| Bexley Dermatology | 2356 East Main Street |
| Salon Therapy | 2353 East Main Street |
| Michael Garcia's Salon | 2440 East Main Street |
| Perfect Balance CPAs | 2460 East Main Street |
| Excel Karate | 2468 East Main Street |
| Dean Wentz Architect | 2463 East Main Street |
| Kitchen of Life | 2525 East Main Street |

Qualifying Permit Holders

In accordance with Ohio Rev. Code §4301.82(B)(3), the DORA will encompass not fewer than four (4) qualified permit holders. The following establishments are qualified permit holders under Ohio Rev. Code §4303 and have committed to participating in the DORA:

Moshi Sushi
Rusty Bucket
Brassica
Giuseppe's Ritrovo
Harvest Pizza
Kittie's Cafe
Cafe Istanbul
The Lion

Land Use & Zoning

In accordance with Ohio Rev. Code §4301.82(B)(4), the uses of the land within the DORA are zoned Mixed Use Commercial or Campus Planning District and are in accord with Bexley's Land Use Strategy.

Public Safety & Health

In accordance with Ohio Rev. Code §§4301.82(B)(5), 4301.82(F)(1)(d), 4301.82(F)(1)(e) and 4301.82(F)(1)(f), the requirements for ensuring public safety and maintaining the appearance and public health of the area within the DORA are outlined below.

Safety Plan

The Safety Plan will help to ensure public safety within the DORA and will designate the number of personnel needed to execute the Safety Plan as follows:

- The Bexley Police Department (“BPD”) has multiple resources to maintain public safety within the DORA to include the downtown core business district. BPD has flexibility when deploying resources and has strong experience in dealing with large crowds in the Main Street District.
- Given the potential for increased pedestrian traffic within the DORA during the times it is in effect, directed staffing shall be applied by the BPD to ensure public safety. This will consist of a minimum of one police officer who will patrol the DORA district as a part of his/her assigned patrol responsibility.
- The on-duty BPD supervisor will ensure that appropriate measures are taken for adequate staffing and supervision of activities occurring during DORA operational hours, based upon attendance and nature of events.
- The Chief of Police may assign additional officers to events occurring within the DORA or establish other staffing mandates based upon activities that are expected to occur. To help supplement the regularly-scheduled BPD officer(s) on peak weekdays and/or weekends, extra dedicated officers may be assigned to the DORA either by the BPD, or may be contracted for service through the City of Bexley by liquor permit businesses within the DORA who shall pay to the City the special duty cost for providing the extra officer(s). The primary responsibility of the contracted officer(s) will be the DORA district. If extra dedicated officers are required to be assigned to the DORA due to a special event that is being presented by an organization, the presenting organization also will be required to share equally in the special duty cost of the extra duty officer(s).
- Beginning with the commencement of the DORA and continuing for a period of twelve (12) consecutive months, the Chief of Police and other members of the City of Bexley’s staff, as directed by the Mayor, shall meet monthly to review the Safety Plan herein to determine whether updates, modifications, or supplementation may be advisable or required. The Chief of Police and/or Mayor may invite other City department staff members or DORA stakeholders to the meetings to determine if the Safety Plan should be changed. In the event it is determined that the safety plan should be changed, such changes shall be presented to City Council for consideration and implementation. 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 Bexley.

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Sanitation Plan

Initially, the City intends to use existing code enforcement tools and refuse collection practice to maintain the appearance and health of the Main Street area and to ensure that the area is not adversely impacted by the DORA.

Trash Receptacles:

Each qualified liquor permit holder will be required to provide and maintain a trash receptacle and a compost receptacle at all entrance/exit points at their individual establishments. The permit holders shall each be responsible for collecting litter near or around each of their occupied premises. The permit holders shall each be responsible for ensuring that compost receptacles are not contaminated with non-compostable waste, and that compostable waste be brought to a centralized collection point, provided by the City of Bexley Service Department. At a bare minimum, the compost receptacle shall feature signage indicating that DORA cups shall be disposed of in compost receptacles.

Trash and recycling receptacles will be distributed and serviced throughout the DORA area by the City of Bexley Service Department. The Department will regularly empty the receptacles, dispose of trash, and install heavy duty trash bags into the trash receptacles on a weekly basis, or as needed based upon activities and events occurring in the area.

Upon approval of the Service Director for the City, additional receptacles may be added by the City or any qualified permit holder, and the servicing of such receptacles shall remain the responsibility of the installing entity.

Street Sweeping:

The Service Director shall evaluate the need for, and frequency of, street sweeping and servicing of trash receptacles, and, if needed or advisable, shall implement changes or modifications to the Sanitation Plan from the commencement of the DORA until its dissolution.

The Directors of the Service Department has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health within the DORA. This Sanitation Plan can be executed with the existing personnel of the City of Bexley.

Additional Information

The following sections provide additional information regarding the proposed operations and logistical arrangements for the proposed DORA in the Main Street District.

Proposed Signage

In accordance with the Ohio Rev. Code §4301.82 F(1)(b), signage will be placed to designate the boundaries of the DORA. The location and spacing of the signs are shown on attached Exhibit B. The signs will be mounted and located at street intersections, streets, and exit points along the boundary of the DORA. The content and style of this artwork shall, in sum or substance, consist of the following:

Additional Information (Continued)

Rules of the Area

1. Proposed Hours of Operation of the DORA

The DORA will be in operation from 4:00 pm to 10:00 pm Monday through Friday, and 11:00 am to 10:00 pm Saturday and Sunday. Extended times for special events may be established by the Mayor with the concurrence by a vote of City Council. Such concurrence would be made by motion.



2. Official DORA Cup & Wristband

Pursuant to Ohio Rev. Code §4301.82(F)(1)(g), all beer, wine, or intoxicating liquor that leaves an establishment under the DORA must be served solely in a reusable or compostable container and used within the DORA. In compliance with this provision, all DORA beverages must be served in a new, unused Official DORA Cup. No other container will be permitted.

Used official cups from one liquor permit holder establishment shall not be carried into the establishment of another liquor permit holder and must be disposed of before entering that establishment. Other businesses within the DORA that are not a liquor permit holder have the option to determine whether to permit a DORA beverage within their establishment. In that event, the business shall post a sign at its entrance, specifying that DORA beverages are/are not permitted to be carried inside.

The participating qualified liquor permit holders will include a “to go” charge on every DORA beverage sold with the Official DORA Cup. The “to go” charges will be used to fund the costs associated with the enforcement and implementation of the DORA, including costs of cups and wristbands, and any additional costs incurred as a result of the Safety and/or Sanitation Plans outlined herein.

The CIC will supply each of the qualified liquor permit holders who are participating in the DORA with an initial supply of the Official DORA Cups. The Official DORA Cup will be able to hold no more than sixteen (16) fluid ounces and will be composed of compostable material. (A sample copy of the proposed Official DORA Cup for the Bexley Patio DORA is below.)

3. Official DORA Wristband

The CDA also will provide the qualified liquor permit holders within the DORA with customized wristbands to distribute to DORA participants upon leaving their establishments, identifying them as being legally of age and a DORA participant. DORA participants who carry a beverage within the DORA boundary must wear the wristband at all times while within the DORA area.



Public Enjoyment of DORA

A member of the public who elects to participate in the DORA can expect to enjoy the DORA without legal restrictions as long as that DORA participant correctly follows all of the rules of the DORA area and maintains a decorum of good behavior, free of public drunkenness, property destruction, or any action that disrupts the enjoyment of another DORA participant, or disrupts any establishment, property owner, resident, or patron within the DORA.

Violation of any of these Rules of the DORA shall be considered a minor misdemeanor and violators face warnings and/or fines up to \$150.00 in accordance with O.R.C. §4301.62.

Positive Economic Impacts

The DORA is presented and supported by the Bexley Area Chamber of Commerce, business establishments, and residents within the defined district.

The Bexley Patio Designated Outdoor Refreshment Area (DORA) is the name of the proposed DORA in the Main Street District. DORA is an economic attraction to draw shoppers, diners and other foot traffic to the Main Street District.

The DORA will distinguish the Main Street District and enhance the experiences of patrons of business establishments as well as attendees of events held in the Main Street District. It will increase the economic impact, value, and visibility for restaurants and merchants. The DORA will encourage full-service outdoor dining and therefore reduce the need for restrictive fencing.

Exhibit "A" - Parcels within the DORA

| PARCEL ID | STREET NAME | NUMBER | OWNER |
|---------------|-----------------------|-----------|----------------------------------|
| 020-001882-00 | EAST MAIN STREET | 2106 | 2106 BEXLEY LAND LLC |
| 020-004740-00 | EAST MAIN STREET | 2152-2158 | BEXLEY GATEWAY PLAZA LTD |
| 020-004741-00 | SOUTH PARKVIEW AVENUE | 510 | HANSEN CECILIA G |
| 020-004742-00 | SOUTH PARKVIEW AVENUE | 520 | GULLETT WILLIAM C |
| 020-001825-00 | EAST MAIN STREET | 2242 | CITY OF BEXLEY |
| 020-004862-00 | EAST MAIN STREET | 2210-2230 | BCIC BEXLEY SQUARE LLC |
| 020-004197-00 | EAST MAIN STREET | 2250 | BEXLEY COMMUNITY |
| 020-004381-00 | EAST MAIN STREET | 2250 | BEXLEY COMMUNITY |
| 020-000570-00 | EAST MAIN STREET | 2248 | BEXLEY COMMUNITY |
| 020-004860-00 | EAST MAIN STREET | 2248 | COLUMBUS ASSOCIATION FOR THE ... |
| 020-000571-00 | EAST MAIN STREET | 2254-2270 | GAY STREET REALTY CO |
| 020-004847-00 | EAST MAIN STREET | 2256-2270 | COLUMBUS ASSOCIATION FOR |
| 020-000574-00 | SOUTH DREXEL AVENUE | 529 | GAY STREET REALTY CO |
| 020-000572-00 | SOUTH DREXEL AVENUE | 525 | 525 SOUTH DREXEL AVE LLC |
| 020-003622-00 | SOUTH DREXEL AVENUE | 519 | CAPITAL UNIVERSITY |
| 020-003625-00 | SOUTH DREXEL AVENUE | 513-515 | FHH LLC |
| 020-000123-00 | SOUTH DREXEL AVENUE | 524-534 | BLOCK STEVEN TR |
| 020-001050-00 | SOUTH DREXEL AVENUE | 540 | UNVERFERTH BARBARA |
| 020-000105-00 | SOUTH DREXEL AVENUE | 542-544 | DREXEL PROPERTIES LLC |
| 020-000173-00 | EAST MAIN STREET | 2282 | HAMMERHEAD-BEXLEY LLC |
| 020-000124-00 | EAST MAIN STREET | 2284-2294 | ALICE GAVIN |
| 020-000125-00 | EAST MAIN STREET | 2284-2294 | ALICE GAVIN |
| 020-003457-00 | EAST MAIN STREET | 2344 | PVL INC |
| 020-003746-00 | EAST MAIN STREET | 2352-2358 | GIANNOPOULOS PROPERTIES LTD |
| 020-003056-00 | DAWSON AVENUE | 563-565 | JJM OF COLUMBUS LLC |
| 020-001537-00 | EAST MAIN STREET | 2376-2392 | 2700 PARTNERSHIP LLC |
| 020-001991-00 | EAST MAIN STREET | | 2700 PARTNERSHIP LLC |
| 020-001536-00 | EAST MAIN STREET | | 2700 PARTNERSHIP LLC |
| 020-001534-00 | EAST MAIN STREET | 2392-2400 | MRMJ LLC |
| 020-001533-00 | EAST MAIN STREET | 2404-2408 | MRMJ LLC |
| 020-001531-00 | EAST MAIN STREET | 2440 | EAST MAIN PROPERTY |
| 020-001530-00 | EAST MAIN STREET | 2450 | EAST MAIN PROPERTY |
| 020-003705-00 | EAST MAIN STREET | 2468-2474 | EAST MAIN PROPERTY |
| 020-001527-00 | EAST MAIN STREET | 2476-2480 | OXFORD CAMPUS II LLC |
| 020-001524-00 | EAST MAIN STREET | 2484 | TI 2484 E MAIN LLC |
| 020-001523-00 | EAST MAIN STREET | 2500-2510 | BEXLEY CAPITAL |
| 020-003482-00 | SHERIDAN AVENUE | 565-571 | BEXLEY GATEWAY PLAZA II |
| 020-003769-00 | EAST MAIN STREET | 2153 | BEXLEY GATEWAY PLAZA II |
| 020-002856-00 | EAST MAIN STREET | 2143 | BEXLEY GATEWAY PLAZA II |
| 020-000933-00 | EAST MAIN STREET | 2111 | BEXLEY GATEWAY PLAZA II |
| 020-000932-00 | EAST MAIN STREET | | BEXLEY GATEWAY PLAZA II |
| 020-001482-00 | PARK DRIVE | | CITY OF BEXLEY |
| 020-002177-00 | EAST MAIN STREET | 2353-2359 | GIANNOPOULOS PROPERTIES |
| 020-000840-00 | EAST MAIN STREET | 2359 | MECKLER MARCIA L TR |
| 020-004488-00 | EAST MAIN STREET | 2411 | BEXLEY CITY SCHOOL DIST |
| 020-002763-00 | EAST MAIN STREET | | BEXLEY CITY SCHOOL |
| 020-002025-00 | EAST MAIN STREET | | BEXLEY PUBLIC LIBRARY |
| 020-004731-00 | DAWSON AVENUE | 1000 | ONE DAWSON PLACE LLC |
| 020-004736-00 | DAWSON PLACE | 1000 | ONE DAWSON PLACE LLC |
| 020-004738-00 | DAWSON PLACE | 1000 | MEYER NANCY S |
| 020-004865-00 | EAST MAIN STREET | 2412 | GRAMERCY PARTNERS LLC |
| 020-000603 | EAST MAIN STREET | 2497-2499 | CRV-XVI MAIN CASSINGHAM |
| 020-000604 | EAST MAIN STREET | 2501-2507 | CRV-XVI MAIN CASSINGHAM |
| 020-000607 | EAST MAIN STREET | 2513 | 2513 E MAIN LLC |
| 020-002208 | EAST MAIN STREET | 2525 | O.S.U. CHABAD HOUSE |
| 020-004629 | EAST MAIN STREET | 2527-2529 | 2527 E MAIN STREET LLC |

EXHIBIT "B" SIGNAGE LOCATION MAP

