

August 2, 2022

To: Members of the Equitable Growth and Housing Committee

From: John P. Curp, Interim City Manager 202201613

Subject: **Emergency Ordinance – Approving “Mt Auburn Five Points Community Entertainment District”**

Attached is an Emergency Ordinance captioned:

APPROVING the application for the creation of a community entertainment district in the Mt. Auburn neighborhood to be known as the “Mt. Auburn Five Points Community Entertainment District,” pursuant to Chapter 834, “Entertainment Districts,” of the Cincinnati Municipal Code.

BACKGROUND

City Council approved the Auburn Avenue Corridor Strategic Development Plan in 2017. The plan identifies redevelopment and new infill development opportunities along the main north-south corridor. The Five Points focus area, which is southern gateway of Auburn Avenue, is envisioned to be a key development zone in the corridor plan because of its unique setting and notable landmarks. Several mixed-use development projects are currently in progress and anticipated to be completed over the next two years. A CED designation would serve as a tool for attracting and retaining eating and drinking establishments to the developments in this focus area.

APPLICANT INFORMATION

The Mt. Auburn Community Development Corporation (MACDC) was founded in 2015 to work with businesses, leadership, and residents to the strengthen and coordinate business and housing development occurring in Mt. Auburn.

COMMUNITY ENTERTAINMENT DISTRICT

The creation of a Community Entertainment District (CED) allows for the issuance of D-5J liquor licenses to businesses within that given CED’s boundaries. The State allows for one (1) D-5J permit per five (5) acres of land with a maximum of 15 permits per CED.

- MACDC is applying to create the Mt. Auburn Five Points Community Entertainment District (CED), totaling 30.4 acres.
- The creation of the Mt. Auburn Five Points CED will therefore allow for up to six (6) D-5J permits to be available for issuance.
- MACDC’s application includes a letter of support from the Mt. Auburn Community Council.

Pursuant to the “Entertainment Districts” procedure established by City Council (Chapter 834 of the Cincinnati Municipal Code), a business may apply to the City for designation as a Community Entertainment District, as provided for in Chapter 4301.80 of the Ohio Revised Code.

- The application fee for a CED designation is \$15,000 unless approved by Council ordinance for a discounted rate of \$1,500.
- Once the Division of Liquor Control approves the CED application documents submitted by the Legislative Authority, the Division will add the CED to the Division’s permitting system.
- There is a \$100 processing fee and a \$2,344 permit fee. A D-5J permit holder cannot sell their permit outside of the CED’s boundaries.

***Note:** Permit D-5J may be issued by the Ohio Division of Liquor Control to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717 of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits.*

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

Attachment A: Proposed CED Map

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Attachment A: Proposed CED Map

