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September 24, 2021

(VIA HAND DELIVERY)

Office of the Mayor

ATTN: Frank Jackson, Mayor

Freddy Collier, Director of City Planning Commission

Cleveland City Hall

601 Lakeside Ave

Cleveland, Ohio 44114



RE: Application for the Establishment of the Ohio City Community Entertainment District

Dear Honorable Mayor Jackson and Director Collier:

I represent Ohio City Legacy, LLC with respect to the proposed establishment of a Community Entertainment District ("CED") to encompass the \$145-million-dollar INTRO, Cleveland development project located in the Ohio City neighborhood. To that end, I am pleased to present this application to you. I am available to answer any questions yourselves or Members of the Cleveland City Council may have.

Pursuant to Ohio Revised Code §4301.80 and City of Cleveland Codified Ordinances §699A.02, this is Ohio City Legacy's application ("Application") for the establishment of a CED in Cleveland's Ohio City neighborhood, to encompass the twenty-eight (28) acres on the map included with this Application as Exhibit A (the "Map"). A legal description of the area is also included as Exhibit B. The name of the proposed CED shall be the "Ohio City Community Entertainment District" (the "Ohio City District").

Thank you for your thorough review and consideration of this Application.

Sincerely,

John N. Neal
 Legal Counsel for Ohio City Legacy, LLC

JNN/arb
 Enclosures

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Introduction

According to Ohio Revised Code §4301.80 and the City of Cleveland Codified Ordinances §699A.01, a “community entertainment district” is a bounded area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments, within close proximity to some of the following: hotels, restaurants, retail sales establishments, enclosed shopping centers, museums, performing arts theaters, motion picture theaters, night clubs, convention facilities, sports facilities, entertainment facilities or complexes, and similar establishments. The establishment of the Ohio City District reflected on the Map will authorize the issuance of five (5) low-cost D-5j liquor permits for applicants seeking to operate a liquor permit business within the Ohio City District. See O.R.C. §4303.181(J) for details on these permits.

As you are aware, Ohio City is one of Cleveland’s oldest and most welcoming neighborhoods. The area has emerged as a rapidly developing dining and entertainment hub, attracting a diverse array of young professionals, creative entrepreneurs, and locally-owned shops and restaurants. It is also one of only a handful of Cleveland neighborhoods that have increased in population in the past ten years, with 16% growth among ages 18-34 and 42% among ages 60-64. The area is home to more than 250 businesses and over 9,000 residents, 34% of whom identify as African American and 23% of whom identify as Hispanic. Ohio City’s growth and economic development have tremendously benefitted the health and well-being of these residents, as well as residents of the City of Cleveland as a whole. Continuing this advancement should be among the City’s top priorities.

Enabling continued development in the Ohio City neighborhood is crucial to maintaining and enhancing the economic and other benefits that the area provides to residents and visitors alike. At the center of Ohio City’s future prosperity is a brand new real estate development: INTRO Cleveland (“INTRO”). Situated at the corner of Lorain and West 25th, INTRO is a mixed-use commercial and residential project with an anticipated opening date in February 2022. The 9-stories-tall location will feature 36,000 square-foot of ground floor retail space, a 12,000 square-foot entertainment venue, and almost 300 apartments.

From the beginning of INTRO, the intent has been to have a far-reaching impact and benefit to stakeholders well beyond that of a typical project. Since day one, the project has enjoyed nearly unanimous support across the board from numerous organizations, including: the local block club, RTA, the West Side Market Tenant’s Association, Ohio City Inc., The Port of Cleveland, The Cleveland Building and Construction Trades Council, the City of Cleveland, and the Ohio Development Services Agency, just to name a few. In fact, the Port of Cleveland, the Ohio Department of Development, and the City of Cleveland all participated directly in the financing of INTRO, with the Port also playing a critical role by receiving, offloading, and storing much of the timber used in the project. As the nation’s tallest and largest Mass Timber building, INTRO has put Cleveland at the forefront of innovation in construction, design, and sustainability, and has become a laboratory and training center for students and professionals across the region.

At nearly \$145,000,000 in total cost, INTRO is a nearly 100% union job, with only very select specialized trades being open shop. The project employs nearly 250 skilled people each and every day on Cleveland's most high profile and dynamic corner. Upon completion of INTRO, Ohio City Legacy, LLC will open a satellite office at the location that will house 8-10 full-time new hires, with annual payroll approaching \$750,000. A corporate office slated for the 2nd floor of the development will begin with 5-7 full-time employees, eventually growing to as many as 15, with payroll in excess of \$1,000,000. In tandem with that, Harbor Bay will create a brand new hospitality business that will employ upwards of 125 people in both full-time and part-time roles across four unique hospitality concepts, of which payroll is anticipated at over \$3,500,000.

In addition to the nearly 150 new jobs that will be created, INTRO will generate additional sales and real estate taxes for the City of Cleveland and the local community. Between the four hospitality brands alone, local sales tax contributions are projected to exceed \$1,000,000 per year. There is also an additional 15,000 square feet of retail space at the project that could contribute the same or more tax revenue annually, dependent upon the uses and tenants therein. The INTRO property is currently part of the City of Cleveland's residential tax abatement program, but all non-residential real estate is subject to fully-assessed property taxes. Some of these taxes will be applied to the TIF that was awarded to the INTRO project. Overall, INTRO is expected to generate around \$350,000 annually in property tax benefits once the project is complete and stabilized.

Forming the Ohio City District is a critical component of ensuring that sufficient liquor permits are available to the new hospitality businesses referenced above. Unfortunately, full-service liquor permits in Ohio City are not available from the state Division of Liquor Control due to population-based quotas imposed by state statute on the City of Cleveland as a whole. Due to this situation, prospective new grocery stores and restaurants, among other reputable establishments, are forced to resort to other means to obtain licensure to sell alcoholic beverages. Transferring permits is costly and risky due to the shortage of available Cleveland permits. Under current market conditions, businesses seeking to obtain a full-service liquor permit must purchase a permit from a seller on the open market. The cost of a permit ranges from \$20,000 to \$25,000, and has only continued to rise. In most instances, this process is complicated by the fact that the permit seekers would have to employ a "TRES" liquor permit transfer, which involves the transfer to Cleveland of new, additional liquor permits from other municipalities. This process is time-consuming, expensive, and risky. It also consumes City of Cleveland resources, as TRES transfers require more involvement from municipal governments than a new permit application.

Establishment of the Ohio City District will authorize the Ohio Division of Liquor Control to issue five (5) new D-5j permits to applicants who have received state and City of Cleveland approval. The availability and low-cost of these D-5j permits will enable the INTRO project to secure a liquor permit for each of its four prospective hospitality businesses, while leaving a fifth permit available for future developments. In addition, unlike other transferable liquor permits, D-5j permits can never leave the boundaries of the Ohio City District. This means that these permits and their associated businesses will continue to enrich the local area well into the future.

Process

The process for establishing a CED is laid out in O.R.C. §4301.80(B) and (C), and reflected in City of Cleveland Codified Ordinances §699A.03.

Action by Mayor. Any property owner whose property is located in the proposed Ohio City District may file this Application with Your Honor seeking the establishment of the Ohio City District. Pursuant to Ohio statute, within thirty (30) days after receiving this Application, Your Honor shall submit this Application with your recommendation to the Cleveland City Council.

Public Notice by City Council. Within thirty (30) days after receipt of this Application and recommendation, City Council shall notify the public that the application is on file in the office of the Clerk of Council and is available for inspection during regular business hours. The notice shall indicate the date and time of any public hearing that Council intends to have to consider this Application. This notice shall run once per week for two (2) consecutive weeks and be made by publication in at least one (1) newspaper of general circulation in the City of Cleveland.

Action by City Council. Within seventy-five (75) days after the date this Application was filed with the Office of the Mayor, City Council shall, by ordinance or resolution, approve or disapprove this Application based on whether the proposed CED will substantially contribute to entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the Cleveland community. In making its determination, the City Council shall also consider the supplemental standards established in the City of Cleveland Codified Ordinances §699A.04. An approval of the Application shall be by an affirmative majority vote of the members of the Cleveland City Council.

Submission to Division of Liquor Control. Following approval of the CED, the City of Cleveland shall provide to the Division an executed copy of the signed ordinance or resolution and a copy of this Application, including the map and all other attachments.

Application

Pursuant to Ohio Revised Code §4301.80(B), the Application for the establishment of the Ohio City Community Entertainment District is as follows:

1. The applicant's name and address.

O.R.C. §4301.80(B)(1); Section 699A.02(a)

This Application is submitted by Ohio City Legacy, LLC, whose address is 2075 West 25th Street, Cleveland, Ohio 44113.

2. A map or survey of the proposed community entertainment district in sufficient detail to identify the boundaries of the district and the property owned by the applicant.

O.R.C. §4301.80(B)(2); Section 699A.02(b)

A map of the proposed Ohio City District is attached as Exhibit A. A legal description of the area and its boundaries, prepared by a licensed surveyor, is also included as Exhibit B. Ohio City Legacy, LLC owns Permanent Parcel Numbers 007-11-028 & 029, the triangle of land bounded by Lorain Ave. to the north, Gehring St. to the east and south, and W. 25th St./U.S. 42 to the west. This area has been identified on the map.

3. A general statement of the nature and types of establishments described in division (A) of this section/Section 699A.01 that are or will be located within the proposed community entertainment district and any other establishments located in the proposed community entertainment district that are not described in division (A) of this section/Section 699A.01.

O.R.C. §4301.80(B)(3); Section 699A.02(c)

As much of the land within the Ohio City District will be new development and renovations, most of the establishments that will be located within the proposed CED have not yet begun operations. Many unique restaurants, retail sales establishments, and other businesses are currently examining the feasibility of forming operations within the Ohio City District, including:

- Truss Event Venue – A private event venue on the top floor of INTRO that will host weddings and non-profit/corporate events
- Pioneer – A casual sports bar/gastropub including a large biergarten-style patio, with a menu featuring primarily wood-fired foods
- Jaja – A steakhouse and tapas lounge with a cocktail-driven bar program
- Leaps & Bounds – A new coffee bar and all-day café with healthy, coastal-inspired food and a small menu of beer, wine, and spirits.

The following establishments are also located within the proposed CED, but are not described in Ohio Revised Code §4301.80(A):

- Morgan Linen Services – Uniform store
- H&R Block – Tax preparation service
- Abbey Park – Public park owned by the City of Cleveland

In addition to the many establishments that will be located within the boundaries of the CED, the Ohio City District will also be located within 2,000 feet of a diverse variety of other businesses, including:

- West Side Market – A historic produce and meat market dating back to 1912 and beyond. More density, more residents, and daytime businesses, all benefits of the Ohio City District, will help support this ailing pillar of the community and revitalize the market to its former glory.
- Avo Modern Mexican – Mexican restaurant
- Boaz Fresh Lebanese Ohio City – Lebanese restaurant
- Hansa Brewery – Brewery, beer garden, and eatery
- Flying Fig – American restaurant
- Bar Cento – Italian restaurant
- Great Lakes Brewing Company – Brewpub
- Market Garden Brewery – Brewpub
- TownHall – Health food restaurant
- Dave’s Markets Ohio City – Grocery store
- ABC the Tavern – Bar
- Nano Brew Cleveland – Brewpub
- Market Garden Brewery Store & Tours – Brewery
- Ohio City Burrito – Mexican restaurant
- Tabletop Board Game Café – Snacks, coffee, and board game café
- Citizen Pie – Pizza restaurant
- Velvet Tango Room – Cocktail bar
- Abbey Market Grocery – Grocery store
- PNC Bank – Financial institution
- Chase Bank – Financial institution
- Third Federal Savings & Loan – Financial institution
- Family Dollar – Retail store
- Horizontal Books – Book Store
- Glass Bubble Project – Art center
- Perplexity Games Escape Room - Cleveland – Escape room center

The proposed CED also includes the W.25-Ohio City Station, which houses the Regional Transit Authority Red Line Station, and stops for nine contiguous Regional Transit Authority bus routes, providing convenient access to public transportation for residents, visitors, and employees of existing and future businesses within and around the CED. Further, the opening of the INTRO project is expected to support higher daily ridership for the local public transit routes, and its TOD

location provides an easy, affordable way to get to work for all employees at any of the complex's retail or hospitality tenants.

- 4. If some or all of the establishments within the proposed community entertainment district have not yet been developed, the proposed time frame for completing the development of these establishments.**

O.R.C. §4301.80(B)(4); Section 699A.02(d)

INTRO is currently slated for completion of construction in January/February 2022. All restaurant and entertainment establishments are scheduled to open for business in spring of 2022, between February 1 and May 1.

- 5. Evidence that the uses of land within the proposed community entertainment district are in accord with the municipal corporation's master zoning plan or map.**

O.R.C. §4301.80(B)(5); Section 699A.02(e)

Included as Exhibit C is a letter from Freddy L. Collier Jr., Director of the Cleveland City Planning Commission, dated 9/15/2021. This letter indicates that Director Collier verifies "the land uses within the proposed CED are in accordance with the Connecting Cleveland 2020 Citywide Plan and the zoning map." A zoning confirmation letter from the City Planning Commission for the parcels located CED area is also included as Exhibit D.

- 6. A certificate from a surveyor or engineer licensed under Chapter 4733 of the Revised Code indicating that the area encompassed by the proposed community entertainment district contains no less than twenty contiguous acres.**

O.R.C. §4301.80(B)(6); Section 699A.02(f)

Included on the map of the CED (Exhibit A) is a certificate from Steven J. Metcalf of Neff & Associates, a registered surveyor licensed under Chapter 4733 of the Ohio Revised Code. Mr. Metcalf's seal certifies that the proposed Ohio City District contains no less than twenty (20) contiguous acres, and the certified map specifically identifies the total acreage of the Ohio City District as 28.0221 acres. A legal description is also included with the map as Exhibit B.

- 7. A handling and processing fee to accompany the application, payable to the applicable municipal corporation, in an amount determined by that municipal corporation.**

O.R.C. §4301.80(B)(7); Section 699A.02(g)

Pursuant to City of Cleveland Codified Ordinances §699A.02(g), the applicant has included with this Application a check for the handling and processing fee of five thousand dollars (\$5,000.00), payable to the City of Cleveland, to cover administrative costs and legal advertisements.

Population Statement

Per Ohio Revised Code §4303.181(J), the applicant has included the following statement identifying which CED population and financial requirements for the issuance of D-5j permits are met and were used in creating the CED.

The City of Cleveland is a municipal corporation organized under Article XVIII of the Ohio Constitution. Based on 2010 U.S. Census data, the City of Cleveland had a population of approximately 396,815. July 1, 2019 estimates identified a slightly reduced population of 381,009. Establishment of a CED in the City of Cleveland therefore qualifies under O.R.C. §4301.181(J)(1), as the proposed Ohio City District will be “located in a municipal corporation with a population of at least one hundred thousand.” There is no requirement for any minimum dollar amount of investment in development and construction under this subsection.

Draft Notice and Legislation

For the City's convenience, this Application includes a draft public notice, Exhibit E, as well as draft legislation prepared by the applicant as a sample of proposed legislation to establish the Ohio City District, Exhibit F.

Supplemental Standards and Prohibited Uses

The applicant understands that the Cleveland City Council will not approve an application for a CED if any perimeter boundary of the District is within five hundred (500) feet of an elementary or secondary school, a City park or City recreation facility, or a facility whose principal use is the holding of religious services, if the Council determines that the CED will adversely affect the operation of such facilities. *City of Cleveland Codified Ordinances §699A.04*. The inclusion of Abbey Park, a City park, within the Ohio City District will not adversely affect the operation of this facility, but will in fact enhance its operation by adding to the vibrancy and economic prosperity of the surrounding community.

Further, the applicant understands that in reviewing this Application for a CED, the City Council shall also consider the appropriateness of the proposed District with respect to the City of Cleveland's General Plan and other comprehensive plans adopted by the City Planning Commission, as well as with respect to the proximity and extent of residential uses, the availability of off-street parking, and crime statistics for the immediate area. *City of Cleveland Codified Ordinances §699A.04*.

The proposed uses within the Ohio City District have been authorized by the City Planning Commission, as identified in Exhibit C and Exhibit D. The vast majority of the commercial uses within the CED will be located in the existing, high-profile commercial area adjoining West 25th Street, sufficiently distant from any residential uses. The West 25th Street area is home to many attractions, such as the West Side Market, which currently draw a large amount of vehicular traffic. As such, off-street parking space in the area is prevalent. Ample parking for the CED is available within the CED at P.P.N. 007-11-028 and 029, as well as at several other parking lots adjacent to the CED boundaries. Additionally, crime statistics show that the area housing most of the proposed Ohio City District is lower than the surrounding areas. The economic benefit that the CED will provide to the local area, including the creation of new jobs and redevelopment of numerous currently vacant buildings, will only contribute to further reduction of crime rates in the immediate area.

The proposed Ohio City Community Entertainment District will not include any "adult entertainment uses," as defined in Section 347.07 of the Cleveland Codified Ordinances. *City of Cleveland Codified Ordinances §699A.05*. No such uses are currently planned within the CED, nor will any such uses be permitted to be established once the CED has been created.

Table of Exhibits

For ease of reference, the Exhibits included with this Application are as follows:

1. **Exhibit A** – Map of the proposed Ohio City District, including identification of street boundaries. Includes a certificate from a registered and licensed surveyor identifying the exact acreage of the proposed CED and certifying that the proposed CED contains no less than 20 contiguous acres.
2. **Exhibit B** – Legal description of the CED area and boundaries.
3. **Exhibit C** – Letter from Freddy Collier, Jr., Director of the Cleveland City Planning Commission, identifying that the uses of land within the proposed Ohio City District are in accord with the city's master zoning plan or map.
4. **Exhibit D** – Copy of zoning confirmation letter from the City Planning Commission for the parcels within the CED area.
5. **Exhibit E** – Draft public notice for the Ohio City District.
6. **Exhibit F** – Draft legislation for authorization of the Ohio City District.

EXHIBIT A: Map of Proposed CED

Please see the next page for a map of the proposed Ohio City District, prepared by a licensed surveyor, including identification of street boundaries. The map includes a certificate from a registered and licensed surveyor identifying the exact acreage of the proposed CED and certifying that the proposed CED contains no less than 20 contiguous acres



SURVEY CERTIFICATION
 I, the undersigned, being a duly qualified and licensed Surveyor in the State of Ohio, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the parties thereto, and that the same has been compared with the original survey as shown to me by the parties thereto, and that the same is a true and correct copy of the original survey as shown to me by the parties thereto.

John M. [Signature]
 State of Ohio
 Surveyor

08/20/2024

P.P.N. 004-01-008	CUYAHOGA COUNTY BOARD OF COMMISSIONERS	647 S.F. / 0.0148 AC.
P.P.N. 004-01-009	MORGAN SERVICES, INC.	115,665 S.F. / 2,6588 AC.
P.P.N. 004-01-011	MORGAN SERVICES, INC.	3,190 S.F. / 0.1191 AC.
P.P.N. 004-01-012	MORGAN SERVICES, INC.	1,961 S.F. / 0.0450 AC.
P.P.N. 004-01-011	MORGAN SERVICES, INC.	3272 S.F. / 0.0741 AC.
P.P.N. 004-01-024	M.C. PROPERTIES, INC.	3,226 S.F. / 0.1211 AC.
P.P.N. 007-11-019	GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	52,781 S.F. / 1,2117 AC.
P.P.N. 007-11-021	GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	250,886 S.F. / 5,7586 AC.
P.P.N. 007-11-023	2188 WEST 29th STREET LLC	15,808 S.F. / 0.3629 AC.
P.P.N. 007-11-024	WEST SIDE MARKET	25,517 S.F. / 0.5854 AC.
P.P.N. 007-11-028	OHIO CITY LEGACY LLC	84,289 S.F. / 2,1416 AC.
P.P.N. 007-11-029	OHIO CITY LEGACY, LLC	9,639 S.F. / 0.2213 AC.
P.P.N. 004-05-007	CITY OF CLEVELAND	115,771 S.F. / 2,6451 AC.
P.P.N. 004-02-084	CITY OF CLEVELAND	42,704 S.F. / 0.9803 AC.

- LANDS WITHIN ENTERTAINMENT DISTRICT**
- CUYAHOGA COUNTY BOARD OF COMMISSIONERS 0.0149 AC.
 - MORGAN SERVICES, INC. 2,6940 AC.
 - M.C. PROPERTIES, INC. 0.1211 AC.
 - GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY 6,5771 AC.
 - 2188 WEST 29th STREET LLC 0.3629 AC.
 - WEST SIDE MARKET 0.5954 AC.
 - OHIO CITY LEGACY, LLC 2,1416 AC.
 - CITY OF CLEVELAND 1,2213 AC.
 - MORGAN SERVICES, INC. 11,0884 AC.
- TOTAL AREA** 28,0221 AC.

NOTE:
 SURVEY WAS MADE WITHOUT THE BENEFIT OF A TITLE RESARCH REPORT

BASIS OF BEARINGS:
 THE BEARING OF WEST 29th STREET WAS DETERMINED BY A SURVEY OF THE WEST 29th STREET CORNER TO THE CENTERLINE OF WEST 29th STREET, AS SHOWN ON THE PLAN OF THE RESURVEY REPORT.



OHIO CITY COMMUNITY ENTERTAINMENT DISTRICT
ENTERTAINMENT DISTRICT EXHIBIT SURVEY
 CITY OF CLEVELAND, COUNTY OF CUYAHOGA AND STATE OF OHIO



SHEET NO. 1 OF 1

EXHIBIT B: Legal Description of the CED

Please see the next page for a Legal description of the CED area and boundaries, prepared by a licensed surveyor.



Legal Description
Entertainment District – Market Square Development
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Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 69 and is further bounded and described as follows:

Beginning at the intersection of the extension of Northwesterly right of way for Lorain Avenue (102 Ft. Wide) and the center line for West 25th Street (82.5 Ft. Wide);

- Course 1 Thence North 58°34'57" East, along the Northwesterly right of way of said Lorain Avenue, a distance of 1,461.11 feet to the intersection with the extension of the Easterly right of way for West 20th Street (66 Feet Wide);
- Course 2 Thence South 00°35'37" East, along the Easterly right of way of said West 20th Street, a distance of 670.68 feet to its intersection with the Northerly right of way for Abbey Avenue (66 Feet Wide);
- Course 3 Thence North 89°27'12" East, along the Northerly line of said Abbey Avenue, a distance of 266.99 feet to its intersection with the Westerly right of way for West 19th Street (60 Feet Wide);
- Course 4 Thence North 73°37'45" East, a distance of 62.34 feet to the intersection of the Easterly right of way for said West 19th Street and the Northerly right of way to Abbey Viaduct (100 Feet Wide);
- Course 5 Thence North 89°27'12" East, along the Northerly right of way for Abbey Viaduct, a distance of 100.00 feet to a point;
- Course 6 Thence North 00°36'51" West, a distance of 218.00 feet to a point;
- Course 7 Thence North 89°27'12" East, a distance of 161.95 feet to a point;
- Course 8 Thence North 00°36'51" West, a distance of 113.80 feet to a point;
- Course 9 Thence North 89°27'12" East, a distance of 100.00 feet a point;
- Course 10 Thence North 00°32'48" West, a distance of 50.00 feet to a point;
- Course 11 Thence North 89°27'12" East, a distance of 168.33 feet to a point;

5405 York Road
Parma Heights, OH 44130

www.Neff-Assoc.com

Tel: 440.884.3100
Fax: 440.884.3104




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Entertainment District – Market Square Development
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- Course 12 Thence North 00°32'48" West, a distance of 100.00 feet to a point;
- Course 13 Thence South 89°27'12" West, a distance of 18.33 feet to a point;
- Course 14 Thence North 00°32'48" West, a distance of 260.18 feet to a point;
- Course 15 Thence North 89°27'12" East, a distance of 64.00 feet to a point;
- Course 16 Thence South 00°32'48" East, a distance of 350.00 feet to a point;
- Course 17 Thence South 47°33'53" West, a distance of 180.00 feet to a point;
- Course 18 Thence North 89°27'12" East, a distance of 180.07 feet to a point;
- Course 19 Thence South 25°17'38" West, a distance of 302.00 feet to a point on the Northerly right of way for said Abbey Viaduct;
- Course 20 Thence South 00°32'48" East, a distance of 100.00 feet to a point on the Southerly right of way for said Abbey Viaduct;
- Course 21 Thence South 89°27'12" West, along the Southerly right of way for said Abbey Viaduct, a distance of 490.00 feet to its intersection with the Easterly right of way for said West 19th Street;
- Course 22 Thence North 74°42'10" West, a distance of 62.27 feet to the intersection of the Southerly right of way for said Abbey Avenue and the Westerly right of way for said West 19th Street;
- Course 23 Thence South 89°27'12" West, along the Southerly right of way for said Abbey Avenue, a distance of 333.01 feet to the intersection of the Southerly right of way for said Abbey Avenue and the Westerly right of way for said West 20th Street;
- Course 24 Thence North 00°32'48" West, a distance of 66.00 feet to its intersection with the Northerly right of way for said Abbey Avenue and the Westerly right of way for said West 20th Street;
- Course 25 Thence South 89°27'17" West, along the Northerly right of way Abbey Avenue, a distance of 794.89 feet to its intersection with the Westerly right of way for Gehring Avenue (Width Varies);

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Entertainment District – Market Square Development
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- Course 26 Thence South 00°37'09" East, along the Westerly right of way for said Gehring Avenue, a distance of 330.08 feet;
- Course 27 Thence North 89°21'56" East, a distance of 116.00 feet to a point;
- Course 28 Thence North 02°21'17" West, a distance of 264.03 feet to a point on the Southerly right of way for said Abbey Avenue;
- Course 29 Thence North 89°27'17" East, along the Southerly right of way for said Abbey Avenue, a distance of 355.85 feet to a point at its intersection with the Easterly right of way for Columbus Road (80 Feet Wide);
- Course 30 Thence South 00°37'13" East, along the Easterly line of said Columbus Road, a distance of 1,354.04 feet to its intersection with the Northeasterly right of way for said West 25th Street;
- Course 31 Thence South 58°16'39" West, a distance of 41.25 feet to a point on the center line of said West 25th Street;
- Course 32 Thence North 31°43'11" West, along the centerline of said West 25th Street, a distance of 1,592.28 feet to the Place of Beginning and containing 28.0221 Acres (1,220,642 Square Feet) of land as surveyed by Steven J. Metcalf, Registered Surveyor No. 8622-Ohio of Neff & Associates.

Be the same more or less, but subject to all legal highways and easements of record.



Steven J. Metcalf
Registered Surveyor No. 8622-Ohio
Neff & Associates



EXHIBIT C: Zoning Compliance Letter

Please see the next page for a letter from Freddy Collier, Jr., Director of the Cleveland City Planning Commission, identifying that the uses of land within the proposed Ohio City District are in accord with the city's master zoning plan or map.



City of Cleveland

Frank G. Jackson, Mayor

City Planning Commission



Freddy L. Collier Jr., Director

Cleveland City Hall

601 Lakeside Avenue, Room 501

Cleveland, Ohio 44114

T: (216) 664-3210 F: (216) 664-3251 | www.planning.city.cleveland.oh.us

To: Ohio City Legacy LLC

9/15/2021

I am writing to provide some background information on the City Planning Commission's land use and development goals as they pertain to the proposed Community Entertainment District (CED) by Harbor Bay, delineated in the attached map. The land uses within the proposed CED are in accordance with the Connecting Cleveland 2020 Citywide Plan and the zoning map, which has recently been updated to reflect the goals of the City Administration and City Council.

Sincerely,

Freddy L. Collier Jr.
Director, City Planning Commission

1



EXHIBIT D: CED Parcels Zoning Confirmation Letter

Please see the next page for a zoning confirmation letter from the City Planning Commission for the parcels within the CED area.



City of Cleveland

Frank G. Jackson, Mayor

City Planning Commission



Freddy L. Collier Jr., Director

Cleveland City Hall

601 Lakeside Avenue, Room 501

Cleveland, Ohio 44114

T: 216/664-2210 F: 216/664-3281

www.planning.city.cleveland.oh.us

9/10/2021

RE: Various Parcels, Cleveland, OH 44113

Parcel	Zoning	Overlay District	Local Landmark District
00401008	SI-F2		
00401009	SI-F2	Urban Form Overlay	
00401011	SI-F2	Urban Form Overlay	
00401012	SI-F2	Urban Form Overlay	
00401013	SI-F2	Urban Form Overlay	
00401074	SI-F2	Urban Form Overlay	
00711019	SI-C3		Market Square
00711020	MF-G1/SI-C3		
	MF-G1/SI-C3/LLR-		
00711021	K4		
00701022	SI-C3		Market Square
	MF-G1/SI-C3/LLR-		
00701025	K4		Market Square
00711023	SI-C3		Market Square
00711024	LLR-K4		Market Square
00711028	LLR-K4		Market Square
00711029	LLR-K4		
00426007	OSR-B1		
00402084	OSR-B1		
00426013	OSR-B1		

Please be advised that the City Planning Commission staff has reviewed the City of Cleveland's Zoning Map with respect to the parcel numbers listed above in the City of Cleveland and I can now verify the following information:

The subject properties (PPN 00401008, 00401009, 00401011, 00401012, 00401013, 00401074) are zoned:

Zoning District:

Semi-Industry-SI

Area District:

F-Max Gross Floor Area-2x Lot Area

Height District:

2-60' Height Limit:

Overlay District:

Urban Form Overlay

And;





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The subject properties (PPN 00711024, 00711028, & 00711029) are zoned:

Zoning District: **Limited Retail Business-LLR**
Area District: **K-Max Gross Floor Area-6x Lot Area**
Height District: **4-175' Height Limit:**

Local Landmark District: **Market Square**

And;

The subject properties (PPN 00711020, 00711021, & 00701025) are also zoned:

Zoning District: **Multi-Family-MF**
Area District: **G-Max Gross Floor Area-3x Lot Area**
Height District: **1-35' Height Limit:**

Local Landmark District: **Market Square**

And;

The subject properties (PPN 00426007, 00402084, and 00426013) are zoned:

Zoning District: **Open Space and Recreation-OSR**
Area District: **B-Max Gross Floor Area-1/2 Lot Area**
Height District: **1-35' Height Limit:**

Parcel Numbers 00711020, 00711021, & 00711025 are split-zoned Multi-Family Residential, Limited Retail Business & Semi-Industrial. When this occurs, the most restrictive zoning generally applies. As such, these three parcels shall be considered as being zoned Multi-Family Residential.

Semi-Industry Use Districts permit warehouses, auto repair garages, cold storage plants, garment factories, newspaper plants, trucking terminals, breweries, and other light manufacturing uses. However, if this proposed zoning change becomes effective, the law requires that the legal use of all existing buildings in the area be allowed to remain, but there can be no additions or expansions of these uses without a special permit from the Board of Zoning Appeals. (§345.03)

Limited Retail Business Districts permit residential uses, retail stores, food stores, variety stores, shoe stores, drug stores, eating-places, professional offices, office buildings, hotels, motels, and banks. For a full description of the Limited Retail Business District, please review §343.22 of the Cleveland Zoning Code.

Multi-Family Residential District: One family houses, two family houses, rooming houses, row houses, apartment houses, fraternities and sororities, etc. (For a full description of the Multi-Family Residential District, please review 337.08 of the Cleveland Zoning Code).



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Two-Family Residential District: One family houses, two family houses, playgrounds, churches, hospitals, libraries, etc. (For a full description of the Two-Family Residential District, please review §337.03 of the Cleveland Zoning Code).

For Any Variances, Special Permits or Conditions contact the Board of Zoning Appeals – 216.664.2581.

For Code Violations, Certificates of Occupancy, Code Compliance and site plans contact the Cleveland Building & Housing Department at 216.664.2910 or buildingandhousing@city.cleveland.oh.us.

Sincerely,

Shannan Leonard

City Planner – Zoning & Technology Division

SLeonard@clevelandohio.gov
City of Cleveland Planning Commission
601 Lakeside Ave, Rm 501
Cleveland, OH 44114
P: 216.664.3814

EXHIBIT E: Draft Public Notice

NOTICE OF PUBLIC MEETING

The City of Cleveland will hold a public meeting at _____ on _____, 2021 at _____, to consider the proposed legislation listed below:

The City of Cleveland is providing public notice that Ohio City Legacy, LLC has submitted an application to have a 28-acre portion of the Ohio City neighborhood, consisting primarily of land located east of West 25th Street and south of the West Side Market, declared a community entertainment district. Specifically, application was made on _____, 2021, with Mayor Jackson and City Planning Director Collier to establish the "Ohio City Community Entertainment District," pursuant to Ohio Revised Code §4301.80 and City of Cleveland Codified Ordinances §699A.02. This effort will authorize the issuance of up to five new liquor permits to qualified businesses that apply with, and are granted approval by, the Ohio Division of Liquor Control, to operate a liquor permit establishment in the District. The benefits of the Ohio City Community Entertainment District are many and include the addition of numerous new businesses, nearly 150 new jobs, and new annual tax revenues totaling over \$3,000,000. Mayor Jackson has recommended the approval of the establishment of this District. Ohio City Legacy, LLC's application is on file in the office of the Clerk of Council and is available for inspection by the public during regular business hours.



EXHIBIT F: Draft Ordinance

Ordinance No. ____-2021

AN EMERGENCY ORDINANCE APPROVING THE APPLICATION OF OHIO CITY LEGACY, LLC TO ESTABLISH THE OHIO CITY COMMUNITY ENTERTAINMENT DISTRICT; AND TO AMEND SECTION 699A.011 OF THE CODIFIED ORDINANCES OF CLEVELAND, OHIO, 1976, AS AMENDED BY ORDINANCE NO. 620-15, RELATED TO COMMUNITY ENTERTAINMENT DISTRICTS DEFINED.

WHEREAS, Ohio City Legacy, LLC has submitted an application dated _____, 2021, to the Mayor's Office requesting the establishment of a community entertainment district; and

WHEREAS, the application meets all requirements under Ohio Revised Code §4301.80 and §699A.02 of the Codified Ordinances of the City of Cleveland, Ohio, 1976; and

WHEREAS, the application is accompanied by a map identifying the boundaries of the proposed community entertainment district; and

WHEREAS, the City Planning Commission has determined that the proposed establishment of a community entertainment district meets the criteria for designation contained in Chapter 699A of the Codified Ordinances of the City of Cleveland, Ohio, 1976; and

WHEREAS, by submitting this ordinance for introduction to City Council, the Mayor is recommending, within the required 30 days, the acceptance of the application for the establishment of the Ohio City Community Entertainment District; and

WHEREAS, a copy of the application is placed in File No. _____; and

WHEREAS, existing Section 699A.011 should be amended to reflect the establishment of the Ohio City Community Entertainment District; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

SECTION 1. That based upon the information and data contained in File No. _____, this Council approves the application of Ohio City Legacy, LLC dated _____, 2021, to establish the Ohio City Community Entertainment District.

SECTION 2. That Section 699A.011 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 620-15, passed June 8, 2015, is hereby amended to read as follows:



Section 699A.011 Districts Defined

Community Entertainment Districts are limited to the following defined areas of the City of Cleveland and meet all the requirements of Section 699A.01 of this chapter:

- (a) *Playhouse Square District.* An area more fully described in Ordinance File No. 1222-13-A.
- (b) *Waterloo District.* An area centered on Waterloo Avenue, east of East 156th Street, more fully described in Ordinance File No. 620-15-A.
- (c) Cleveland Hopkins International Airport, Cleveland Airport System, 5300 Riverside Drive, Cleveland, Ohio 44181-0009, particularly the Main Terminal and Concourses A, B, C, and D.
- (d) *Uptown District.* An area centered on the intersection of Euclid Avenue and Mayfield Road, containing approximately 98 acres, more fully described in Ordinance File 759-12-A.
 - (1) There is established an Uptown Community Entertainment District Committee (the "UCED Committee"), whose primary purpose and function is to review each applicant for one of the D-5(j) liquor permits authorized by the establishment of the Uptown Community Entertainment District in meetings that are open to the public and make recommendations to the City Council. The UCED Committee shall also serve to make recommendations to the City Council with regard to applications for the issuance, transfer, or renewal of any liquor permit in the District.
 - (2) The UCED Committee shall be composed of four (4) members: AJAPPJR Uptown LLC, University Circle Incorporated, Case Western Reserve University, and the UCED Community Representative. AJAPPJR Uptown LLC, University Circle Incorporated, and Case Western Reserve University shall each appoint a single member to the UCED Committee. The UCED Community Representative shall be appointed by the Committee from nominations made by the City Council members representing wards that are located in whole or in part within the boundaries of the District.
 - (3) Three (3) of the four (4) members of the UCED Committee shall constitute a quorum to transact business and to issue any recommendation or advisory opinion.
 - (4) The UCED Committee may promulgate its own internal rules of procedure and review.
- (e) *Flats East Bank District.* An area designated by the permanent parcel numbers that are set forth and more fully described in Ordinance File No. 759-12-A.
- (f) *Gordon Square District.* An area more fully described in Ordinance File No. 59-14-A.
- (g) ***Ohio City District.* An area designated by the permanent parcel numbers that are set forth and more fully described in Ordinance File No. _____.**

SECTION 3. That existing Section 699A.011 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 620-15, passed June 8, 2015, is hereby repealed.

SECTION 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of City Planning Commission, Law, Finance; Committees on City Planning, Legislation, Finance.

PASSED: _____, 2021

Council President

Submitted to the Mayor for approval on
This ____ day of _____, 2021

Approved by the Mayor this ____ day
of _____, 2021

ATTEST:

Clerk of Council

Mayor

Invoice No.	Inv. Date	Inv. Amount	Disc. Amt	Description	Vchr	Net Amount
	09/22/2021	5,000.00	0.00	securing liquor licenses	00905	5,000.00
TOTAL		5,000.00	0.00			5,000.00

Ohio City Legacy LLC
 3412 Commercial Ave
 Northbrook, IL 60062

First Midwest Bank
 7340 West Capital Dr
 Milwaukee WI 53216

12-66
 750

DATE	CHECK NO	AMOUNT
09/22/2021	010587	\$5,000.00*

Five Thousand and no/100 DOLLARS ***

PAY TO THE ORDER OF City of Cleveland

[Handwritten Signature]

 Void After 90 Days

⑈010587⑈ ⑆0750006666⑆ ⑆62⑈042 2343⑈