



DANIEL HARRIGAN, MAYOR

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AKRON CITY COUNCIL

December 21, 2022

Via Hand Delivery Only

Ms. Sara Biviano
Clerk of Akron City Council
166 S. High St., 3rd Floor
Akron, OH 44308

**Re: Application for Community Entertainment District &
Recommendation**

Dear Ms. Biviano:

On or around November 2, 2022, my office received an initial and incomplete "Petition/Application for Community Entertainment District in Merriman Valley-Liberty Commons Development" from the developer, LAL & SONS, LLC (the "Application"). Further documentation and information necessary to complete the Application was thereafter provided, and the Application was completed December 19, 2022. In keeping with applicable statutory duties under RC §4301.80, I am attaching with this correspondence a copy of the Application and a brief factual summary supporting the establishment of the LAL-proposed community entertainment district in the Merriman Valley (the "CED").

Upon review of the Application, it appears that all of the statutory prerequisites appearing in RC §4301.80(B) have been met. Further, after additional discussion and consultation with members of my administration, I am satisfied that the CED proposed by the Application will not result in any undue burden on our community, but rather, that the CED has the potential to substantially contribute to the entertainment, retail, social, and other opportunities for the City of Akron. Accordingly, it is my recommendation to City Council that it approve the addition of this CED to the City's Merriman Valley.

Sincerely,

Daniel Horrigan
Mayor of the City of Akron

DH/bta

MERRIMAN VALLEY COMMUNITY ENTERTAINMENT DISTRICT SUMMARY

Lal & Sons, LLC has applied for Community Entertainment District (CED) designation for 24.42 acres of property within a defined geographical boundary comprising their Merriman Valley – Liberty Commons development. All the property falls within the Zoning Classification of Unified Planned Development District (UPD-11), which permits all retail and residential uses. Lal & Sons, LLC maintains that this CED designation is necessary to help fully develop Liberty Commons, which includes the retail, food service and entertainment portions of the project.

Under Ohio law, D-5 liquor licenses (the type most often used for restaurants serving alcohol) are apportioned based on population. Each city is given one full liquor license for every 2,000 residents. New licenses are a scarce commodity and a new restaurant could spend as much as \$30,000 to purchase a license from an existing holder. Community Entertainment District designation for Merriman Valley would create a pool of 15 new D-5j liquor licenses for food serving establishments within the area, which is the maximum number allowed. A D-5j license must be located within the CED and cannot be transferred outside the district. They are applied for in the same way as any D-5 license. All other regulations would apply, including precinct requirements, open container laws (this designation does not allow open containers outside of an establishment), objections from churches/schools and outdoor patio requirements.

The City of Akron currently has three CED's comprising Downtown (Northside and Southside Downtown Community Entertainment Districts) and the East End. There are 20 D-5j permits in the Downtown CED's, and 15 D-5j permits in the East End CED. There is no limit to the number of CED's a city can have.

Lal & Sons, LLC has demonstrated significant investment and progress thus far in developing Liberty Commons into a true entertainment destination and attraction in the Merriman Valley Great Streets district. This CED designation will go a long way in helping attract new establishments to serve the residents and workers of this and the surrounding neighborhoods.

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37 West Broad Street, Suite 1140
Columbus, Ohio 43215
(614) 735-1011

APPLICATION FOR MERRIMAN VALLEY COMMUNITY ENTERTAINMENT DISTRICT ("MERRIMAN VALLEY CED")

Pursuant to Ohio Revised Code Section 4301.80 and the City of Akron Ordinance NO. 374-2004 amending Title 9 of Section 103.10-103.06 for and submit and request the creation of a "Merriman CED" comprised of 24.42 acres of land that includes but is not limited to the Liberty Commons Development area along Weathervane Lane, Akron, Ohio and such boundaries are more specifically provided below with an attached Map (EXHIBIT A). The Merriman CED application is as follows:

APPLICANT'S NAME AND PHYSICAL ADDRESS:

LAL & SONS, LLC

Parcel Nos.: 6853543, 6727946, 6755495, 6755496

Business Address: LAL & Sons, LLC, 1248 Weathervane Lane, Akron, Ohio 44313

MAILING ADDRESS:

ATTN. MANDY LAL

LAL & Sons, LLC

1248 Weathervane Lane

Akron, Ohio 44313

1. MAP OF PROPOSED MERRIMAN COMMUNITY ENTERTAINMENT DISTRICT

See Attached Exhibit A

2. General Statement of Nature and Types of Establishments

The nature and types of establishments will fall under the following categories and uses within the proposed district:

Currently Established:

- a. Restaurants: Current restaurants and/or taverns are: MGP Enterprises, LLC dba Mickeys in the Valley, Valley Six, LLC, Valley, Three, LLC dba Johnny J's, SHN, LLC dba Saffron Patch in the Valley, Valley Cantina, Inc. dba Chowder House
- b. Performing Arts Theater: Weathervane Playhouse Theater
- c. Enclosed Shopping Retail Business: There is currently located within Liberty Commons a salon, just north of Merriman Road & North Portage Path is State Liquor Agency Silver Spirits.
- d. Sports retail business: Blimp City Bike & Hike retail store

Proposed Establishments:

- a. Restaurant proposed at 1288 Weathervane Lane, David Stirling, LLC dba Stirling Restaurant, Akron, Ohio; Current restaurant trying to obtain a liquor permit is BJS Bites, LLC dba Valley Cafe, 1212 Weathervane Lane, Akron, Ohio. Other Restaurants Lal & Sons, LLC are trying to attract within the Liberty Commons Development may also include N Jones Enterprises, LLC if it can obtain a D5J liquor permit as a result of the creation of the Merriman Valley CED. Other upscale restaurants. Outdoor Amphitheatre inclusive with a park for various events, outdoor concerts.
- b. Any combination of the above facilities

3. Proposed Timeframe of future development

- a. Restaurants-2-6 months
- b. Retail Sales Establishments-5 months to year
- c. Entertainment Facility-1-2 years (Outdoor Amphitheatre) for events, concerts, exercise classes, yoga

4. Evidence of land use within proposed Merriman Valley CED comply with Zoning

- a. The Merriman Valley CED for this development is located within UPD U3, H1 and A1 Zoning District as established by the City of Akron Zoning Department.

- b. Verification of UPD U3, H1 and A1 Zoning District

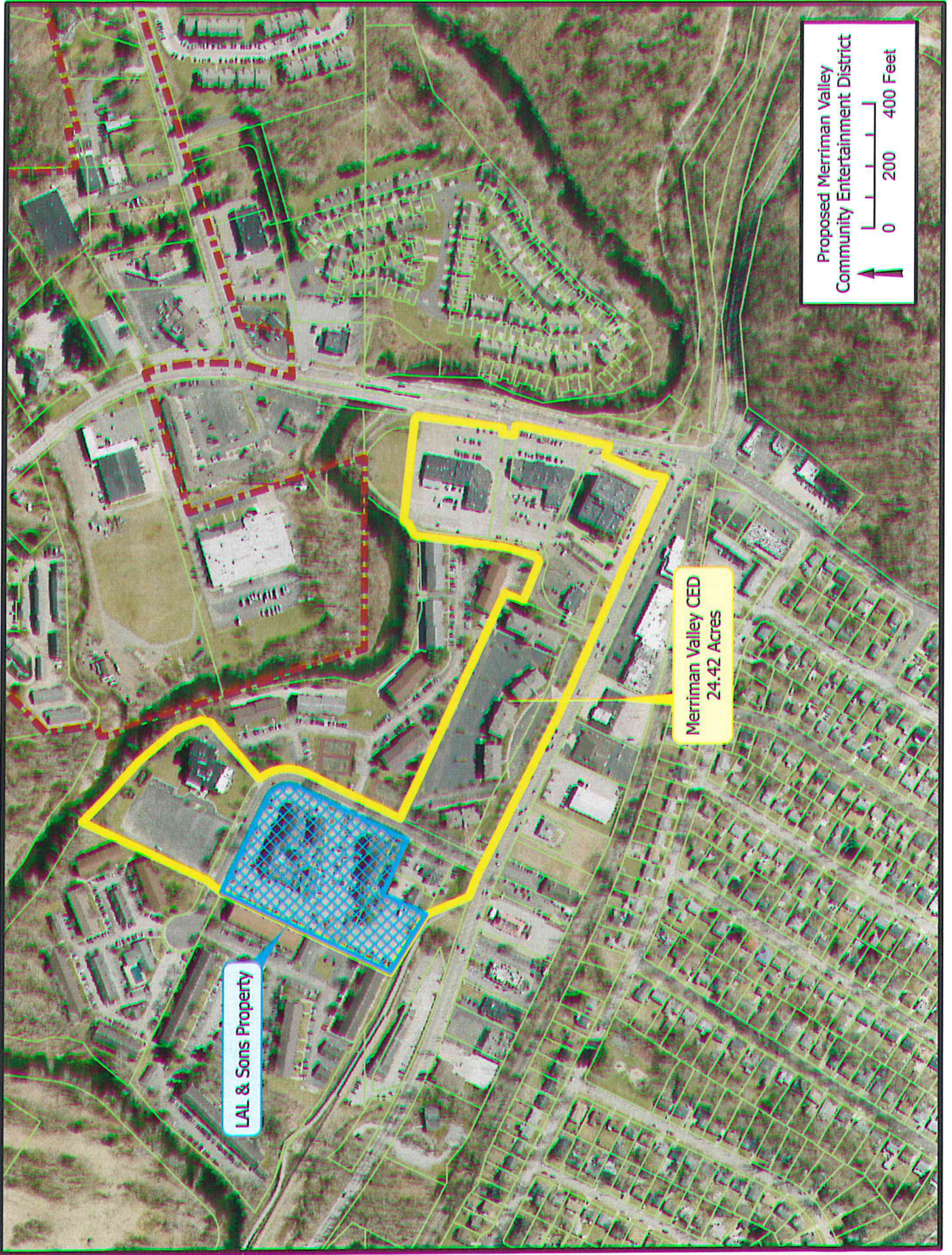
5. Certificate from Surveyor or engineer licensed under Chapter 4733 of the Revised Code indicating that the area encompassed by the proposed community entertainment district contains not less than 20 contiguous acres (actual acreage is 24.42 acres), (See Attached Exhibit A as enumerated by the City of Akron setting forth the acreage)

MERRIMAN VALLEY COMMUNITY ENTERTAINMENT DISTRICT (CED) SUMMARY

LAL & SONS, LLC has applied for a Community Entertainment District ("CED") designation for 24.42 acres of property within a defined geographical boundary comprising the Liberty Commons Development along Weathervane Lane, Akron, Ohio. The boundary of the CED runs along Merriman Road from Liberty Commons Development just heading slightly north along North Portage Path just north of Merriman Road back to Weathervane Lane area.

All the property falls within the Zoning Classification of Unified Planned Development District (UPD-U3, H1, A1 Zoning District) which permits all retail and residential uses. LAL and Sons, LLC maintains that this CED designation permits retail and residential uses. LAL and Sons, LLC maintains that this CED designation is necessary to help develop and revitalize this Merriman Valley area which includes the retail, food establishment service and entertainment aspects of the project.

Under Ohio Law pursuant to Ohio Revised Code Section 4303.29 sets forth in general a quota of the number of various classes of liquor permits that can be issued based upon the population of the city or township taxing district. A combination of a D1, D2, D3 or D5 liquor permits comprise the largest type of liquor permits issued for restaurants. Each class of these D class liquor permits can be issued for every population of 2,000 or part thereof. In the City of Akron currently there are several applicants on the waiting list for D1, D2, D5 liquor permits and thus no current openings for new applicants that wish to apply for these quota liquor permits. The designation of the 24.42 acres of property in the Merriman Valley CED will help create 4 additional D5J liquor permits for attracting new restaurants in this area. One D5J liquor permit can be issued by the Ohio Division of Liquor Control for every 5 acres of land designated within the CED. The D5J liquor permit cannot be transferred out of the CED. The processing of a D5J liquor permit would be the exact same as the processing of a quota based liquor permit with the Ohio Division of Liquor Control including but not limited to BCII background checks, local background checks by the Akron police, notification by the Ohio Division of Liquor Control to the Akron City Council relating to the liquor permit applicant, checking the local option precinct history and ensuring the precinct is "wet" with respect to on premises consumption of beer and intoxicating liquor, local building code requirements, and local health department approvals.



Proposed Merriman Valley
Community Entertainment District

0 200 400 Feet

Merriman Valley CED
24.42 Acres

LAL & Sons Property