

MEMORANDUM

To: Dublin City Council
Dana McDaniel, City Manger
Anne Clarke, Clerk of Council

From: Jennifer D. Readler, Law Director
Yazan S. Ashrawi

Date: October 6, 2016

Re: Wine Dine Dublin LLC DBA Napa Kitchen & Bar
Application for New D5I Liquor Permit

I. INTRODUCTION

The City of Dublin recently received a Notice to Legislative Authority (“Notice”) from the Ohio Division of Liquor Control concerning Wine Dine Dublin LLC DBA Napa Kitchen & Bar (“Napa Kitchen”). Dublin received this Notice pursuant to R.C. 4303.26 because Napa Kitchen applied for a new liquor permit and the proposed location for the permit premises is within the corporate limits of Dublin. As such, Dublin may request a hearing regarding the advisability of the issuance, transfer of ownership, or transfer of location of the permit.

II. BACKGROUND

Napa Kitchen is a domestic limited liability company that is actively registered with the Ohio Secretary of State. The address on the Notice is 7148 Muirfield Village Drive, Dublin, Ohio 43017. The address is incorrect, however. The applicant was notified of the need to correct the address to 7148 Muirfield Drive, Dublin, Ohio 43017, which is the correct address for the permit premises. Napa Kitchen will be located in the Shops on Muirfield, also known as the Shoppes at Athenry. This location was formerly used as the restaurant Shade on Muirfield. Napa Kitchen is seeking a D5I liquor permit, which permits certain restaurants to sell spirituous liquor for on premises consumption only, and beer, wine, and mixed beverages for on premises or off premises consumption in original sealed containers, until 2:30am. Napa Kitchen’s application is currently pending before the Ohio Division of Liquor Control (the “Division”).

According to the Division’s records, Napa Kitchen does not have a history of violating Ohio liquor permit laws.

III. RECOMMENDATION

It would appear that it is unnecessary to request a hearing in this matter. Napa Kitchen does not have a history of liquor law violations. Regardless whether Dublin desires to request a hearing, the Notice must be signed and returned to the Ohio Division of Liquor Control by October 27, 2016.

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

9690820 PERMIT NUMBER		NEW TYPE	WINE DINE DUBLIN LLC DBA NAPA KITCHEN & BAR 7148 MUIRFIELD VILLAGE DR DUBLIN OH 43017
ISSUE DATE			
09 21 2016 FILING DATE			
D5I PERMIT CLASSES			
25 TAX DISTRICT	066 B	B36383 RECEIPT NO.	

FROM **09/26/2016**

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED **09/26/2016**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **10/27/2016**

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **B NEW 9690820**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF DUBLIN CITY COUNCIL
5200 EMERALD PARKWAY
DUBLIN OHIO 43017**

9690820 PERMIT NBR
WINE DINE DUBLIN LLC
DBA NAPA KITCHEN & BAR
7148 MUIRFIELD VILLAGE DR
DUBLIN OH 43017

TIMOTHY ROLLINS

09/22/2016 ACTIVE

CEO

5%VOT5%MEM

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

D5	\$2,344	ORC 4303.18 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	ORC 4303.181 (Same as D5). Restaurant meeting certain criteria.

D-5i Liquor Permit

(1) Permit D-5i may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following requirements:

(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.

(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area.

(4) It offers full-course meals, appetizers, and sandwiches.

(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.

(6) It has at least one of the following characteristics:

(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.

The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products 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. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit.

A D-5i permit shall not be transferred to another location. The division of liquor control shall not renew a D-5i permit unless the retail food establishment or food service operation for which it is issued continues to meet the requirements described in divisions (1)(1) to (6) of this section. No quota restrictions shall be placed on the number of D-5i permits that may be issued. The fee for the D-5i permit is two thousand three hundred forty-four dollars.