



ORDINANCE O-03-2020

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 95.48 +/- ACRES OF LAND GENERALLY LOCATED NORTH OF STATE ROUTE 161, SOUTH OF SMITHS MILL ROAD AND WEST OF BEECH ROAD FOR AN AREA TO BE KNOWN AS THE "BEECH CROSSING ZONING DISTRICT" FROM ITS CURRENT ZONING OF LIMITED GENERAL EMPLOYMENT (L-GE) AND INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) AS REQUESTED BY MBJ HOLDINGS LLC C/O AARON UNDERHILL, ESQ.

WHEREAS, Council of the City of New Albany has determined that it is necessary to rezone certain property located in the city to promote orderly growth and development of lands; and

WHEREAS, the Planning Commission and City Council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

WHEREAS, pursuant to the application by MBJ Holdings LLC c/o Aaron Underhill, the Planning Commission of the City of New Albany has reviewed the proposed ordinance amendment and recommended its approval.

NOW, THEREFORE, BE IT ORDAINED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. Council of the City of New Albany hereby amends the Zoning Ordinance Map of the City of New Albany to change the zoning classification of the following described site:

- A. A 95.48 ± acre area of land generally located north of State Route 161, south of Smith's Mill Road and west of Beech Road for an area to be known as the "Beech Crossing Zoning District" from its current zoning of Limited General Employment (L-GE) and Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD).
- B. The zoning district's zoning text and site plan are hereby attached and marked Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were adopted in an open meeting of the council and any decision making bodies of the City of New Albany which resulted in such formal action were in

meetings open to the public or in compliance with all legal requirements of the City of New Albany, Counties of Franklin and Licking, State of Ohio.

Section 3. Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2020.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 02/04/2020

Introduced: 02/18/2020

Revised:

Adopted:

Effective:

BEECH CROSSING ZONING DISTRICT

INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT

February 6, 2020

I. INTRODUCTION: The Beech Crossing Zoning District (hereinafter, the “Zoning District”) includes real property located to the north of State Route 161, to the west of Beech Road, to the south of Smith’s Mill Road, and to the east of the Licking County-Franklin County boundary line. It encompasses 95.48+/- acres of real property.

This rezoning serves two purposes. First, it provides for an expansion of the permitted uses on the subject property. The marketplace has indicated a demand for medical uses in New Albany. The existing zoning of the entirety of the property that is the subject of this application allows GE, General Employment uses, and on a significant portion of the of the site allows certain uses permitted under the C-3, Highway Business District classification. However, the GE and C-3 zoning districts do not permit medical-related uses of any significance. Rather, the CF, Community Facilities classification under the Codified Ordinances is the zoning category that allows a more comprehensive set of medical uses. Therefore, this zoning seeks to maintain the underlying uses on the property that is the subject of this text, while adding certain uses that are permitted in the CF zoning district.

The second purpose of this rezoning is to consolidate the zoning regulations for the subject property. Prior to the approval of this text, the property is governed by three different zoning districts. By consolidating use and development standards potential inconsistencies can be avoided and future administration of the zoning will be easier by eliminating the need to cross-reference multiple zoning texts.

Given that the Codified Ordinances provide that proposed development on property with a straight CF zoning classification would be subject to secondary review of specific plans, this text similarly provides for further review of a final development plan for uses which are permitted in this Zoning District under the CF zoning classification. Similarly, where permitted, C-3 uses will continue to be subject to the requirement of a final development plan review just as they are prior to the approval of this text.

II. DEVELOPMENT STANDARDS: Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this subarea. Where there is a conflict between the provisions in this text and the Codified Ordinances, the provisions in this text shall govern. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architecture. These component standards ensure consistency and quality throughout the development.

A. Permitted Uses:

1. **GE Uses:** Permitted and conditional uses shall include those set forth in the Codified Ordinances of the City of New Albany, GE General Employment District (Sections 1153.02 and 1153.03), provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses (all such permitted and conditional uses to be referred to herein as “GE Uses”). The following uses shall be prohibited:
 - (a) Industrial product sales (See Section 1153.03(a)(1))
 - (b) Industrial service (See Section 1153.03(a)(2))
 - (c) Mini-warehouses (See Section 1153.03(a)(4)(c))
 - (d) Radio/television broadcast facilities (See Section 1153.03(c)(1))
 - (e) Sexually-oriented businesses (See Section 1153.03(c)(3))
 - (f) Warehouse and distribution
 - (g) Off-premise signs (unless approved by the Planning Commission as a part of a master sign plan or final development plan)
 - (h) Personal service (See Section 1153.03(b)(2) of the Codified Ordinances) and retail product sales and service (See Section 1153.03(b)(3) of the Codified Ordinances), except that such uses shall be allowed as accessory uses to a permitted use or as otherwise permitted and approved as a use permitted by Section II.A.3 below.
 - (i) Wireless telecommunications facilities, except that such uses shall be permitted as an ancillary use as provided in Codified Ordinances Section 1179.04(c).

2. **CF Uses:** Permitted uses also shall include the following uses, which are generally contemplated in the Codified Ordinances of the City of New Albany, CF, Community Facilities District (Section 1151.02), but represent a more in-depth description of uses which are intended to be permitted under that zoning classification (all such uses to be referred to hereinafter as “CF Uses”):
 - (a) Hospitals, with or without emergency departments
 - (b) In-patient surgery centers
 - (c) Ambulatory care uses. The term “ambulatory care uses” is intended to encompass a wide range of medical care and medical services and includes (but is not limited to) physician services, wellness services, treatment programs, outpatient procedures and surgeries, clinics, counseling centers, medical laboratories, rehabilitation services, diagnostic services, and related or similar services and/or uses.
 - (d) Medical-related office uses including, but not necessarily limited to, medical offices, administrative offices, professional offices, and office

research centers.

- (e) Skilled nursing and rehabilitation facilities
- (f) One helipad, but only in conjunction with one or more permitted CF Uses, subject to the requirements of Section IV.D.
- (g) The following accessory uses shall be permitted within a building whose primary use or primary combination of uses includes one or more of the uses described in Section II.A.2.a through e above, providing that these accessory uses are mainly intended to serve employees, patients, and visitors of the primary use(s). One or more uses of a building shall be deemed to be “primary” if, alone or in combination, they occupy at least 70% of the total square footage of the building.
 - (i) Cafeterias, cafes, restaurants, and food courts;
 - (ii) Fitness centers, health clubs, and physical therapy facilities;
 - (iii) Gift shops and flower shops;
 - (iv) Sundry or convenience stores and other commercial uses which are customarily found in a hospital or medical treatment facility to support the primary use;
 - (v) Conference facilities with no hotel or residential components;
 - (vi) Pharmacies;
 - (vii) Day care; and
 - (viii) Hospice care
 - (ix) Other uses which are customary along with, supportive of, and/or complimentary to a permitted use

3. **C-3 Uses:** Permitted and conditional uses also shall include those set forth in the Codified Ordinances of the City of New Albany, C-3, Highway Business District (Sections 1149.02 and 1149.03), provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. A maximum of one gasoline service station is permitted within this Zoning District. In addition, vehicle charging stations shall be deemed to be permitted uses. Except for vehicle charging stations (which shall be permitted anywhere in this Zoning District), uses which are permitted or conditional under this Section II.A.3 shall be located only within those portions of this Zoning District that are located to the east of the “Retail Use Boundary Line” which is identified in plans that accompany this text. The following C-3 uses shall be prohibited in all locations within this Zoning District

- (a) Truck stops, travel center, or similar uses
- (b) Self-storage facilities
- (c) Automobile sales

B. Vehicular Access. Vehicular access to and from this Zoning District will occur using Beech Road and Smith’s Mill Road. Internally within the site, public streets and/or private

roadways may be utilized. The following standards and requirements shall apply with respect to vehicular access for this Zoning District:

1. **Outparcel Access Road:** The Outparcel Access Road is identified in the preliminary development plan that accompanies this text. The Outparcel Access Road was established and approved as part of a final development plan in Case Number FDP-72-2019, which was approved by the Planning Commission on October 21, 2019 (the "Approved Outparcel Access Road FDP"). By approval of this zoning text, the City agrees that the Outparcel Access Road shall be deemed to have been approved with the location, configuration, width, and specifications which were approved as part of the Approved Outparcel Access Road FDP. No additional final development plan review and approval of the Outparcel Access Road shall be required by the Planning Commission if the developer elects to construct the Outparcel Access Road as a private road in accordance with the Approved Outparcel Access Road FDP. By approval of this zoning text, the City shall be deemed to have ratified and approved the location, configuration, width, and specifications of the Outparcel Access Road as it was approved in the Approved Outparcel Access Road FDP, and construction of Outparcel Access Road shall occur in accordance with that approval unless otherwise approved by the City as part of an amended final development plan (or a final plat, should the Outparcel Access Road become a public street as contemplated hereunder).
 - (a) **Maintenance and Repair:** During any period of time when the Outparcel Access Road is a private road, a parcel that contains no improvements other than those which constitute the Outparcel Access Road shall not be subject to the minimum street frontage requirements for a parcel under the Codified Ordinances. While under private ownership, the Outparcel Access Road shall be subject to covenants, conditions, and restrictions ("CCRs") covering the real property within this Zoning District which have been recorded. The CCRs provide easements for vehicular and pedestrian access and set forth the respective rights and obligations of relevant property owners in this Zoning District relating to maintenance, repair, and replacement of improvements comprising the Outparcel Access Road.
 - (b) **Conversion to Public Street:** The relevant property owner(s) shall upon written request by the City, be required to dedicate to the City the real property and improvements located within the Outparcel Access Road for use as a public street by executing a final plat approved by the City. In addition, such dedications shall be required at such time as another public street that is internal to this Zoning District is connected to the Outparcel Access Road..

Consistent with the Approved Outparcel Access Road FDP, the dedication shall include a right-of-way width of 42 feet for the portion of the Outparcel Access Road extending westward from Beech Road, with an easement in favor of the City that is nine (9) feet in width on each side of that right-of-way to accommodate utilities, street trees, and sidewalks. The dedication shall include a right-of-way width of 30 feet for all other portions of the Outparcel Access Road, with an easement in favor of the City that is 10 feet in width on each side of that right-of-way to accommodate utilities, street trees, and sidewalks.

- (c) Access Points: A minimum of one vehicular access point with full turn movements shall be provided along the Outparcel Access Road for each Outparcel. As part of a final development plan approval, two vehicular access points along the Outparcel Access Road may be permitted for any Outparcel with side and rear boundary lines that are contiguous to the Outparcel Access Road, subject to approval of the City Engineer and if supported by a traffic analysis provided by the applicant. The City Engineer may waive the obligation for this traffic analysis in his discretion. An Outparcel that is developed as a gas station use may have one of its permitted access points along the Outparcel Access Road to be at a width of up to forty (40) feet to facilitate gasoline tanker trucks and other large delivery vehicles. The second access point for this use may be up to forty (40) feet in width if justified by a truck turning analysis that is filed along with a final development plan application. For purposes of this text, the term “Outparcel” shall mean portions of this Zoning District which are located between the Outparcel Access Road and Beech Road or Smith’s Mill Road.

- 2. Perimeter Vehicular Access Points: The following vehicular access points shall be permitted to serve this Zoning District:

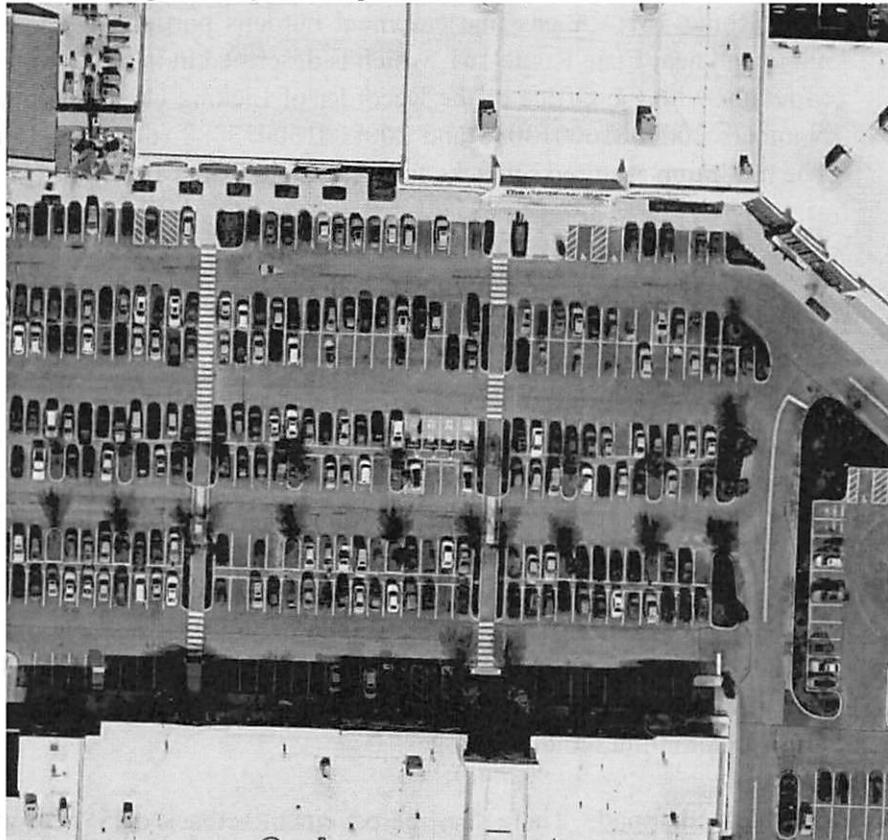
- (a) One access point along Beech Road at its intersection with the Outparcel Access Road. Such access point shall be restricted to right-in, right-out, and left-in turn movements unless, at the time of a final development plan approval, a left-out turn movement is approved by the Planning Commission based on a traffic analysis presented by the applicant which has been approved and accepted by the City Engineer.

- (b) One additional access point with right-in, right-out turn movements may be permitted along Beech Road to the north of the access point described in the immediately preceding paragraph, but only if approved as part of a final development plan that includes a traffic analysis supporting the access point which has been approved by the City Engineer.
 - (c) A full movement access point on the south side of Smith's Mill Road at its intersection with the Outparcel Access Road.
 - (d) Two other full movement access points along Smith's Mill Road, provided that each other these access points is spaced adequately from other access points to preserve traffic safety. Additional access points along Smith's Mill Road may be permitted if approved by the City based on a review of a traffic analysis provided by the applicant and which has been approved and accepted by the City Traffic Engineer.
3. Other Internal Access Routes: Internal vehicular access routes within this Zoning District may be public streets or private roads. The design of all private roads and streets that provide access to a site(s), whether publicly or privately owned, shall be designed in a similar manner as the "Outparcel Access Road" in terms of level of streetscape design, which includes street trees and sidewalks. All private roads (being defined to mean "a paved privately owned vehicular access route that serves more than one tax parcel") shall be constructed to public street standards. Construction of such private roads in a manner that is the same or similar to the Outparcel Access Road, including but not limited to the provision of similar widths and easements, shall be deemed to meet the requirement of the immediately preceding sentence. The determination of the ownership of these internal vehicular access routes shall be determined as part of a final development plan or certificate of appropriateness review and approval by the Planning Commission or City staff, respectively, and as applicable. Sidewalks shall be provided along all public streets and private roads, whether publicly or privately owned, within this Zoning District in accordance with the Pedestrian Access section of this text. The requirements of this paragraph shall not apply to private driveways or internal circulation routes internal to an individual development site.

C. Pedestrian Access

- 1. An 8 foot wide leisure trail shall be provided along Beech and Smith's Mill Road. The Smith's Mill Road leisure trail shall be installed no later than the date when the first full movement vehicular access point located to the west of the intersection of the Outparcel Access Drive and Smith's Mill Road has been constructed and is open for use.

2. A five foot wide sidewalk shall be provided on both sides of all public streets and privately owned roads, including the previously approved Outparcel Access Road.
3. An internal pedestrian circulation system of walkways shall be created so that a pedestrian using a public or private walk as described above can access the adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. One example of a possible design that meets these requirements is depicted below, but other designs may be provided as determined on a development-by-development basis. .



4. Every development shall be required to connect into the internal pedestrian circulation system either by direct connection to the existing leisure trail or sidewalk along an interior public street or private road or into a previously established connection via an adjacent site, subject to review and approval of the Planning Commission at the time of a Final Development Plan application.
5. All outparcels shall be required to provide a connection into the public leisure trail along Beech Road and/or Smith's Mill Road. Shared connections are encouraged between sites where possible.

6. Walkways, no less than five (5) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such walkways may be omitted to accommodate drive-through lanes, where necessary or desirable to reduce or eliminate conflict between pedestrian and vehicular traffic, as approved as part of as final development plan.

D. Setbacks; Lot Coverage:

1. State Route 161: A gas line easement burdens portions of the Zoning District along and near State Route 161, which is described in those instruments which are of record with the Office of the Recorder of Licking County, Ohio as Instrument Numbers 200906160013035 and 200906160013038 (the "Gas Line Easement"). The minimum required setbacks from the State Route 161 right-of-way:
 - (a) Shall be, for office, medical office, and CF Uses, the greater of (a) the northern boundary of the gas line easement described in the Easement Agreement and (b) 75 feet for pavement and 125 feet for buildings; and
 - (b) Shall be, for all other uses, the northern boundary of the gas line easement described in the Easement Agreement; provided, however, on parcels within this Zoning District which contain no portion of the gas line easement from which these other uses are operated, it shall be 125 feet for pavement and buildings.
2. Beech Road: There shall be a minimum building setback of 75 feet and a minimum pavement setback of 40 feet from the Beech Road right-of-way, provided that a canopy over gasoline fuel pumps at a gas station may encroach into the minimum building setback.
3. Smith's Mill Road: There shall be pavement setback of 55 feet and a minimum building setback of 100 feet as measured from the Smith's Mill Road right-of-way, except that on Outparcels the minimum required building setback shall be 75 feet.
4. Other Public Streets: Subject to the provisions of Section II.D.5, there shall be a minimum building and pavement setback of 25 feet from all public rights-of-way other than State Route 161, Beech Road, or Smith's Mill Road.

5. **Outparcel Access Road:** There shall be a minimum building and pavement setback of 15 feet from the Outparcel Access Road, as measured from the back of the curb of the Private Road.
6. **Western Perimeter Boundary:** There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the western perimeter boundary of this Zoning District.
7. **Internal Parcel Lines:** There shall be a minimum building and pavement setback of 10 feet for any Outparcel property line that is not contiguous with the rights-of-way of State Route 161, Beech Road, or Smith's Mill Road or with the boundary of the Outparcel Access Road. For all other parcels, there shall be a minimum pavement setback of 10 feet and a minimum building setback of 25 feet unless they are eliminated as provided in the next subsection.
8. **Elimination of Setbacks:** In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this subarea (a) come under common ownership or control, (b) are zoned to allow compatible uses, and (c) are combined into a single parcel, then any minimum building or pavement setbacks set forth in this text shall no longer apply with respect to these parcels.
9. **Lot Coverage:** There shall be a maximum lot coverage of 80% in this Zoning District, measured on a parcel-by-parcel basis. The Outparcel Access Road and similar private roads and their associated improvements which are established as separate tax parcels shall be exempt from this requirement.

E. Architectural Standards: Architectural requirements for buildings in this Zoning District will differ based upon the types and/or locations of intended uses for each building. Requirements for each building type are set forth below. The requirements of the City's Design Guidelines and Requirements ("DGRs") shall apply when a particular standard is not addressed in this text, unless a deviation from the DGRs are approved as part of a final development plan.

1. **CF Uses:** The following architectural requirements shall apply to a building from which CF Uses are intended to be the primary use.
 - (a) **Building Design Intent and Character:** The CF Uses that are permitted in this Zoning District are typically developed and operated by users that have an established presence in the industry and a particular branding image. Oftentimes, the design vision for buildings with these types of uses will require similarities for the end user from facility-to-facility in order for patients and other visitor to identify the branding of the use and the user. Moreover, the services and operations within these facilities drive the buildings' footprints, and causes the need for an "inside-out"

design process. In addition, it is commonplace for the buildings which are part of these uses will be constructed in phases.

Buildings containing CF Uses as their primary use shall be designed to meet the City's standards in terms of quality of materials and design. However, when reviewing building architecture that is proposed as part of a final development plan, the Planning Commission shall take into account the unique branding needs of the user and the impact that the interior functioning of the uses within the building will have on its exterior appearance. The community standing and the needs of the end user shall be balanced to ensure a high quality aesthetic that meets community standards while advancing the branding and operational needs of the user.

(b) Design Requirements:

- (i) Building Height: There shall be a maximum building height of 80 feet. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.
- (ii) Level of Façade Finish: Buildings shall be required to employ a comparable use of materials on all elevations. All elevations of a building shall receive similar treatment in terms of style, materials, and design so that no elevation is of a lesser visual character than any other.
- (iii) Quality: Architectural design for all portions of a building or structure that are visible from a public right-of-way or adjacent property shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.
- (iv) Long Façade Requirements: Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way or adjacent property. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.
- (v) Use of Design Elements: The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

- (vi) **Primary Building Entrances:** Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.
- (vii) **Screening of Building Elements:** Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, and trash containers and dumpsters shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site.
- (viii) **Roofs:** All roof types shall be permitted (including, without limitation, flat roofs), provided that each roof design shall be compatible with the style and design of the building.
- (ix) **Materials:**
 - (A) **Exterior wall finishes:** Permitted primary building materials shall include brick, brick veneer, stone, stone veneer, manufactured stone, cast stone, architectural precast concrete, metal, and/or glass (except that reflective or mirrored glass shall be prohibited).
 - (B) **Prohibited Materials:** Prefabricated metal buildings and untreated masonry block structures are prohibited.

2. **GE Uses:** The following architectural standards shall apply to any building from which GE Uses are operated:

- (a) **Building Height:** The maximum building height shall not exceed 65 feet, except that the maximum height for a building containing office or medical office uses as its primary use shall not exceed 80 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.
- (b) **Building Design:** Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving the appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for design that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design and provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1144.04(q) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

- (i) Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.
 - (ii) Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variation on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.
 - (iii) The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.
 - (iv) Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.
- (c) Materials:
- (i) Cementitious products such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl) shall be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building façade shall be prohibited. Alternative building

materials may be used subject to Architectural Review District approval (Chapter 1157), provided, however, that when Chapter 1157 requires review and action by the Architectural Review Board, said review and action instead shall be undertaken by the Planning Commission. Exterior wall finish materials must be used to complete massing elements.

- (ii) Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited.
 - (iii) Generally, the quantity of materials selected for a building shall be minimized.
 - (iv) Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.
3. **C-3 Uses:** For purposes of this text, “C-3 Uses” shall mean any permitted or conditional use that is referred to in Section II.A.3 above. Any structure containing any of the C-3 Uses as its primary use shall be subject to the following architectural standards:
- (a) **Style:** Buildings shall be designed with a comparable level of detail on all sides.
 - (b) **Height:** Buildings shall be a minimum of one (1) story and a maximum of two (2) stories. Hotels may exceed two stories and are permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.
 - (c) **Materials:**
 - (i) Cementitious products such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl) shall be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building façade shall be prohibited. Alternative building materials may be used subject to Architectural Review District approval (Chapter 1157), provided, however, that when Chapter 1157 requires review and action by the Architectural Review

Board, said review and action instead shall be undertaken by the Planning Commission. Exterior wall finish materials must be used to complete massing elements.

- (ii) Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited.
 - (iii) Generally, the quantity of materials selected for a building shall be minimized.
 - (iv) Loading docks are not required to have the same degree of finish as a main entry unless they are visible from Smith's Mill Road or Beech Road.
- (d) Consistency of Finish: The same palette of exterior finishes and color shall be used on all sides of each building.
- (e) Roof: General roof massing shall incorporate pitched roofs. Flat roofs shall be permitted, but must integrate strong cornice lines. Acceptable roof materials include natural and synthetic slate, cedar shake, dimensional asphalt shingle, and standing seam metal. Roof elements shall be incorporated that emphasize and reduce the building scale at the building storefront such as, but not limited to, dormers, cupolas, roof spires, and hip and gable roofs.
- (f) Gutters and Downspouts: Sloped roofs shall be required to employ gutters and downspouts for drainage.
- (i) Gutter Specifications: Gutters shall be of a metal type and shall be painted to match fascias.
 - (ii) Scuppers: Scuppers may be used on the rear of a building with a parapet in lieu of interior drains. Scupper boxes on the rear of a building shall be painted to blend in with the exterior color or shall be of a manufactured metal of a color which complements the finished material to which it is affixed. Through-wall scuppers may be permitted where parapet walls are used. Overflow drains may be an open scupper through a parapet. An open scupper shall be detailed to minimize its appearance on the building elevation.

- (g) Exterior Doors: All exterior doors other than doors whose primary purpose is for the entry or exit of customers shall be made of a heavy gauge metal. Such doors shall be painted with a color that blends with the color of the exterior masonry on the elevation on which the door is located.

4. Architectural Requirements For Buildings Containing Any Permitted or Approved Conditional Uses:

- (a) Service and Loading Areas: Service and loading areas shall be screened in accordance with the Codified Ordinances.

- (b) Mechanical Equipment: The following standards shall be required and shall be scaled according to the size of the individual tenant. These features may be scaled to a group of smaller side-by-side tenants when architecturally appropriate:

- (i) Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character, but is not required to be the same material as the building's facade. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment; and

- (ii) Complete screening shall be required of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building.

F. Parking

1. Parking and Loading Spaces:

- (a) Generally: Parking and loading spaces shall be provided for each use per Section 1167 of the Codified Ordinances of the City of New Albany, except as provided herein.

- (b) CF Uses: For development containing CF Uses, the amount of parking to be provided to serve these uses shall be reviewed and approved by the Planning Commission as part of a final development plan. When determining the appropriate amount of parking to be provided for CF Uses, the Planning Commission shall take into account the anticipated parking

needs of the particular applicant and uses, the number of anticipated employees and visitors for such uses, and the projected timing of employment shifts and visits by patients and others. Shared parking arrangements may be utilized where appropriate to provide for adequate parking within the Zoning District, provided that where such arrangements are approved they shall be subject to a recorded private parking agreement between owners of affected parcels that shall be reasonably reviewed and approved by City staff before it is recorded with the Office of the Recorder of Licking County, Ohio.

- (c) Outparcels: On Outparcels, there shall be no more than two (2) rows of parking spaces in front of the principal building and one drive aisle in front of the principal building to provide vehicle circulation around each site, except if a hotel is built to the south of the portion of the Outparcel Access Road extending westward into this Zoning District from Beech Road then additional parking is permitted in front of the building as approved by the Planning Commission as part of a final development plan.

G. Buffering, Landscaping and Open Space: The following landscaping requirements shall apply to this Zoning District

1. Tree Preservation: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
2. SR 161 Treatment: A four-board white horse fence shall be required generally running parallel to State Route 161 along the perimeter of this Zoning District but outside of the right-of-way. The landscaping plan shall include plantings at the minimum rate of six (6) trees per 100 linear feet within the required minimum pavement setback from State Route 161 in all areas where existing trees are not preserved, except that (i) as to portions of the State Route 161 frontage subject to the Gas Line Easement, such landscaping shall only be required to the extent it is permitted under the terms of the Gas Line Easement, and (ii) an alternative landscaping treatment plan may be approved by the Planning Commission as part of a final development plan for development containing CF Uses, if such alternative plan furthers the operational efficiency of the CF Uses or is justified to further the branding of a facility. Required trees may be grouped or spaced and existing trees may be used to meet the planting requirements. Trees planted pursuant to this paragraph shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph unless otherwise approved as part of a final development plan.

Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) caliper inches.

3. **Treatment along Beech Road and Smith's Mill Road:** Within the minimum required pavement setback along Beech Road and Smith's Mill Road, landscaping shall be coordinated and consistent throughout. The following also shall be provided:
 - (a) **Fence:** A four-board white horse fence shall be required along the street frontage. The final location will be determined with a final development plan approval for a specific development proposal, if required, or by City staff if no final development plan approval is required.
 - (b) **Setback Landscaping:**
 - (i) **Uses Other Than CF Uses:** For development that does not include CF Uses as primary uses, a landscaped area shall be required behind the fence and within the required pavement setback. This buffer shall consist of deciduous shade trees planted at a rate equal to six (6) trees or more for every 100 lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper.
 - (ii) **CF Uses:** For development that includes CF Uses as primary uses, an applicant may submit an alternative landscaping plan for the minimum required pavement setback along Smith's Mill Road for review and approval of the Planning Commission as part of a final development plan. Such an alternative plan may be approved if it is consistent with and/or complimentary to the landscaping within the minimum setback areas located across from this Zoning District to the north of Smith's Mill Road and if its consistent with landscaping requirements which were approved for other sites within this Zoning District prior to the approval of the applicant's final development plan.
 - (c) **Screening of Parking:** A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer

may contain landscape material, mounding, or a combination of both and shall have a minimum height of 3.5 feet at installation and a minimum opacity of 75% within 3 years of installation.

- (d) **Interior Setback Lines:** A landscape buffer shall be required within the required setback of any interior side parcel line (i.e., those lines not contiguous with a public right-of-way line or the boundary line of the Outparcel Access Road. It shall consist of a ten (10) foot landscape buffer with grass and landscaping. Deciduous tree plantings shall be required in the buffer. Trees shall be planted a ratio of four (4) trees for every one-hundred (100) feet of side property line. Deciduous shrubs shall be planted under the trees. The landscaping material within interior side lot line buffers shall be coordinated along shared property lines to achieve a cohesive planting scheme.
4. **Stormwater Basins:** Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany unless other design solutions are found to be appropriate. Other design solutions may be appropriate if the City Landscape Architect finds that an alternative design, shape, and appearance is appropriate in particular relationship to streetscape and other site design considerations. One or more stormwater basins may be shared to serve some or all development within this Zoning District, so as to eliminate the need for each parcel to have its own on-site basin. Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff without the requirement to be reviewed as part of a final development plan. Installation of stormwater basins shall include simultaneous installation of screening, buffering, and other aesthetic enhancements near the basins. The foregoing requirement is not intended to require such simultaneous installation of screening, buffering, and other aesthetic enhancements throughout the entirety of the Zoning District, but is to be limited only to such improvements in the general vicinity thereof.
5. **Street Trees:** A street tree row shall be established along the Outparcel Access Road, and all public streets (other than State Route 161) and private roads and shall contain one (1) tree for every thirty (30) feet of street frontage. Street trees shall be installed on both sides of the entirety of the Outparcel Access Road at the time that it is constructed. Street trees along Beech Road shall be installed along the entire street frontage when the first parcel develops which has frontage on this street. Similarly, street trees along Smith's Mill Road shall be installed along the entire street frontage when the first parcel develops which has frontage on that street.

Trees shall be regularly spaced along Beech Road and Smith's Mill Road. Street trees shall be located a minimum of ten (10) feet from the edge of the right-of-way unless the City's Landscape Architect approves planting these trees closer to the right-of-way or within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches.

6. **Gateway Feature:** City Gateway features are planned throughout the New Albany Business Park and may be located in this Zoning District near the intersection of Beech Road and Smith's Mill Road. Once a gateway feature design is finalized, it may be incorporated into the landscaping treatment along the street. If its design is not finalized prior to submitting a final development plan, adequate space shall be provided on the site and the landscape buffer shall be designed to incorporate this feature, subject to approval of the City Landscape Architect.
7. **Parking Areas:** Within this Zoning District there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.
8. A Master Landscape Plan shall be completed as part of the first final development plan that is submitted for a property located west of the previously approved "Outparcel Access Road". The Master Landscape Plan is subject to the review and approval of the city landscape architect and shall include the following:
 - i. Master grading
 - ii. Street typology
 - iii. Detention pond vegetation
 - iv. Street lighting
 - v. Street trees
 - vi. Planting guidelines
9. **Minimum On-Site Tree Sizes:** Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for deciduous trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

10. **Mounding:** Mounding, if employed, shall be included on the landscape plan which is subject to review and approval by the City Landscape Architect.
11. **Bonding:** All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.
12. **Silos:** Decorative silos are permitted within this Zoning District. The location and features will be approved by the Planning Commission or City staff as a part of a final development plan or certificate of appropriateness, as applicable.

H. Lighting:

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.
3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed thirty (30) feet in height.
4. Landscape uplighting from a concealed source shall not be permitted.
5. No permanent colored lights or neon lights shall be used on the exterior of any building.
6. All new electrical utilities that are installed in this Zoning District shall be located underground.
7. All other lighting on the site shall be in accordance with City Code.
8. Street lighting must meet the City Standards and Specifications.

I. Signage:

1. **Non-CF Uses:** Signage for all uses in this Zoning District other than CF Uses shall comply with relevant provisions of the Codified Ordinances unless a master signage plan is provided for review and approval of the Planning Commission that provides alternative standards. In the event of a conflict between an approved master sign plan and the relevant provision of the Codified Ordinances, the approved master sign plan shall govern. One wall mounted sign per tenant shall

be permitted on each elevation of the building that fronts or sides on a public or private road, parking lot drive aisles shall not be construed as a private road. Retail tenants are permitted one sandwich board sign, not to exceed six (6) square feet in area, per side. The signs may be placed on the sidewalk in front of the appropriate tenant space, but may not be sited in a location that interferes with vehicular sight distance. Sign panels may be dry erase or chalk boards. Sign panels may also be inserted into the sign frame. Changeable copy sign panels with individual letters or numbers are not permitted. Signs may be displayed only during business hours. Ground-mounted signage shall not be permitted along Beech Road or State Route 161 for Non-CF Uses. A ground-mounted sign for a gas station shall be permitted to be located along the portion of the Outparcel Access Road running westward from Beech Road if located outside of the minimum pavement setback from Beech Road.

2. CF Uses: The following standards and provisions shall apply to signage relating to CF Uses:
 - (a) Intent. Signage needs for the types of facilities that contain CF Uses are to be unique and require flexibility, not in an effort to deviate from the community standard but instead to properly and adequately identify uses, users and tenants, and to promote efficient wayfinding. A master sign plan for CF Uses shall be filed as part of a final development plan for review and approval by the Planning Commission. In the event of a conflict between this text and/or than approved master sign plan and the relevant provision of the Codified Ordinances, this text and/or the approved master sign plan shall govern. Where any signage standard is not addressed in this text and/or an approved master sign plan, the relevant provisions of the Codified Ordinances shall govern. All signs described in this section shall be designed so that they are consistent with the context of the building on which they are located in terms of scale, design and intensity. Signs shall not block portions of architectural detailing, windows, entries or doorways.
 - (b) Types. The following types of signs shall be permitted for CF Uses:
 - (i) Building Identification Signs. One “Building Identification Sign” shall be permitted on each façade of a building that is oriented toward State Route 161, Beech Road, or Smith’s Mill Road. The maximum permitted dimensions and heights for these signs shall be determined as part of an approved final development plan but shall be appropriately sized in relating to the architectural design of

the building and shall be adequate to identify the building from off-site.

- (ii) Ancillary Wall Signs. Ancillary wall signs (“Ancillary Wall Signs”) shall be permitted in addition to Building Identification Signs in order to identify particular uses within the building, to provide addresses for such uses, and to promote efficient wayfinding into the building(s). The permissible maximum dimensions of this type of sign shall be established in a final development plan along with general requirements for locations. It is the intent that once they are established, the applicant may relocate, remove, or replace these signs in accordance with the approved dimensions and requirements without the need to obtain approval of an amended final development plan application, but the applicant shall be required to obtain any necessary sign permits.
- (iii) Window Signs. Window signs shall be permitted only as allowed under relevant provisions of the Codified Ordinances.
- (c) Primary Entry Monument Signs. “Primary Entry Monument Signs” shall be permitted to be located at each entry point into this Zoning District from Beech Road and Smith’s Mill Road. These signs are intended to identify CF Uses within the Zoning District and may be so-called “off-premises” signs, provided that they identify uses or users within this Zoning District. The final locations and dimensions of these signs shall be provided by the applicant in a final development plan.
- (d) Secondary Entry Monument Signs. “Secondary Monument Signs” shall be permitted to be located within this Zoning District. These signs are intended to provide a means to identify the CF Use or its user to employees and visitors within the Zoning District. Each Secondary Monument Sign shall be located on the parcel that the use or user which it identifies is located. The final locations and dimensions of these signs) shall be provided by the applicant in a final development plan.
- (e) Directional Signs. “Directional Signs” shall be permitted internally within this Zoning District for purposes of directing vehicular and pedestrian traffic within the property to CF Uses contained therein. The permissible maximum dimensions of this type of sign shall be established in a final development plan along with general requirements for locations, and it is the intent that once they are established the applicant may relocate,

remove, or replace these signs in accordance with the approved dimensions and requirements without the need to obtain approval of an amended final development plan application, but the applicant shall be required to obtain any necessary sign permits.

- (f) **Regulated Signage.** In addition to the signage permitted above, CF Uses may be required to install and maintain certain types of signage with mandated specifications pursuant to federal and/or state laws and regulations. Such signage shall be permitted in accordance with such laws and regulations. They shall be reviewed and approved as part of a final development plan but Planning Commission's review shall be limited in scope in that it may not impose conditions of approval which are contrary to federal and/or state laws and regulations.

J. Utilities: All new utilities shall be installed underground.

K. Limitation on Total Acreage to be Utilized for Commercial Uses in the Beech Road/Smith's Mill Road Area: For the purposes of developing property with commercial uses (meaning C-3 Uses as defined and where specifically permitted as provided earlier in this text), those areas that are found in the Business Park East – Innovation Zoning District, Subareas B and C, Business Park East Zoning District Subarea 5, and this Zoning District shall be limited to a total of no more than 92 acres of commercial development. The remainder of the acreage not used for commercial contained within Business Park East – Innovation Zoning District, Subareas B and C, Business Park East Zoning District Subarea 5, and this Zoning District shall be developed only with the uses permitted in the GE – General Employment District (excluding “Retail Product Sales and Service”) or CF – Community Facilities District as specified in this text and those uses adopted in the zoning texts for the Business Park East Zoning District, and the Business Park East Innovation Zoning District.

L. Phasing of Improvements: If a center containing uses permitted in the C-3 zoning district is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of the project's final development plan approval, and may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements.

III. GENERAL MATTERS:

A. Development Review Procedure: Acreage within this Zoning District may be developed with several different use types and categories. The following review procedures shall apply to each of them:

1. **GE Uses:** Development proposals for the operation of uses that are permitted in the GE, General Employment District, subject to the limitations described in this zoning text, will be processed and reviewed by the City in the same manner as if they were not being developed within a planned unit development zoning district.
2. **Other Uses:** Development proposals for the operation of any uses that are permitted under this zoning text but would not be permitted to be developed and operated in the GE, General Employment zoning classification of the City's Codified Ordinances will be subject to further review by the City's Planning Commission in accordance with relevant provisions of Chapter 1159 (Planned Unit Development) of the City's Codified Ordinances.
3. **Process:** The following procedures shall apply to the review of development proposals within this Zoning District:
 - (a) Development proposals for uses that are permitted in Section II.A.1 above shall be reviewed by City staff in accordance with Chapter 1157 of the City's Codified Ordinances.
 - (b) Development proposals for uses that are permitted pursuant to Section II.A.2 or Section II.A.3 above shall be reviewed and approved as part of a final development plan application by the City's Planning Commission in accordance with Chapter 1159 of the City's Codified Ordinances.
 - (c) Any building or improvement in this Zoning District that the City's Design Review Guidelines and Requirements require to be reviewed by its Architectural Review Board instead shall be reviewed by the Planning Commission.

B. Conditional Uses: Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by City's Codified Ordinances Code or by this zoning text. Applications for conditional uses shall follow the procedure and comply with the requirements of Chapter 1115, Conditional Uses, of the Codified Ordinances of the City of New Albany.

C. Appeals and Variances:

1. **Appeals:**

- (a) **Taking of Appeals:** Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Officer or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.
- (b) **Imminent Peril:** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.

2. **Nature of Variance:** On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of the PUD portion of this text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

3. **Variance Process:** The procedures and requirements of Chapter 1113, Variances of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. The Planning Commission shall hear requests for variances in this zoning district. Any private road constructed within this zoning district shall not be subject to the regulations of the subdivision standards found with Codified Ordinances Chapter 1187. Buildings constructed within this zoning district are exempt from the requirement of New Albany Design Guidelines Section 6 (I)(A)(1) which prohibits buildings from backing onto public rights-of-way.

D. Helipad: A helipad that is developed and operated as permitted in Section II.A.2.f above shall be subject to the following permissions and requirements:

- 1. It shall have a minimum size of 40 feet by 40 feet with appropriate minimum safety zone for the specific user. It shall not be constructed using asphalt and shall

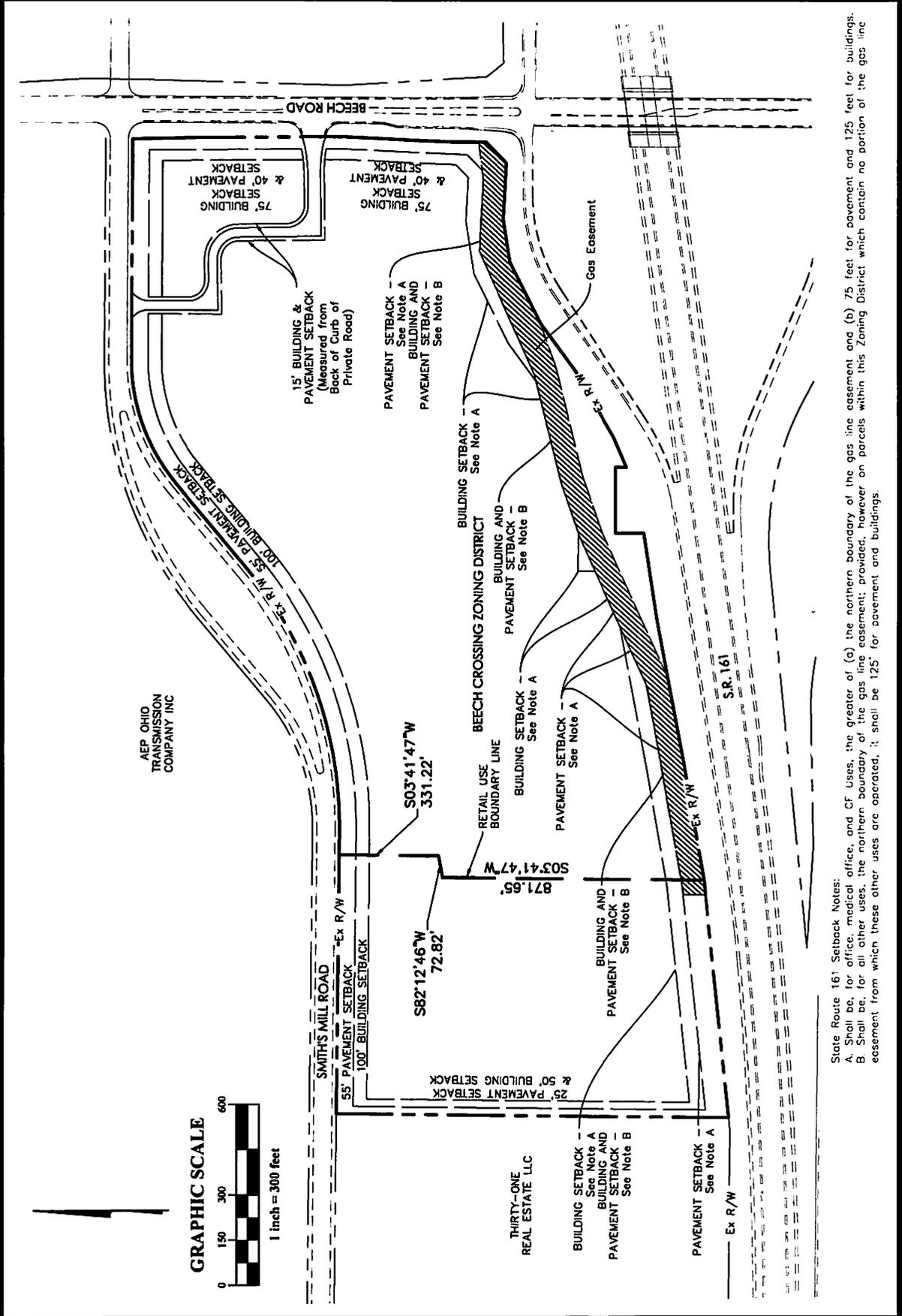
be constructed using cement or some alternative material with a strength that is adequate to sustain repeated use and to bear the weight of a helicopter without being regularly damaged. The helipad shall have a slip-resistant surface.

2. It may have an “H” and/or other markings as required by relevant aviation laws and regulations and as otherwise necessary to provide for adequate identification of the helipad from the air.
3. It shall be located at least 200 feet from the right-of-way of State Route 161.
4. It shall be located at an adequate distance away from buildings to ensure one or more unobstructed flight paths, as determined in accordance with Federal Aviation Administration requirements.
5. It shall utilize lighting that is flush with and located along the perimeters of the helipad to identify its location from the air during nighttime hours. Flood lights pointing upward shall be prohibited.

EMHT
 ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
 5500 New Albany Road, Columbus, OH 43244
 Phone: 614.775.4500
 Fax: 614.775.3468
 emht.com

BEECH CROSSING ZONING DISTRICT
FOR
ZONING SITE PLAN
 LOT 23, QUARTER TOWNSHIP 1, QUARTER TOWNSHIP 2, USML,
 CITY OF NEW ALBANY, FRANKLIN COUNTY, OHIO

DATE: February 4, 2020
 SCALE: 1" = 300'
 JOB NO.: 2019-0899





RESOLUTION R-06-2020

A RESOLUTION AUTHORIZING THE TRANSFER OF OWNERSHIP OF THREE COMPUTER SERVERS IN EXCHANGE FOR THE USE OF WINDOWS SERVER 2019 SOFTWARE LICENSES AND THE USE OF SAID SERVERS IN A BACK-UP CAPACITY

WHEREAS, the city owns three computer servers which have reached the end of their useful life as primary infrastructure, but are able to be used in the city's IT disaster recovery site; and

WHEREAS, the disaster recover site is a facility that allows the city to recover and restore technology infrastructure and operations should the city's primary data center become unavailable; and

WHEREAS, the existing servers have Windows Server 2012 software licenses and it is in the city's interest to upgrade these licenses to the 2019 version in order to simplify and accelerate the city's data recovery process; and

WHEREAS, transferring ownership to a third-party will allow the city to utilize their site license at no cost to the city; and

WHEREAS, the cost to obtain the Windows Server 2019 license is estimated to be \$19,000; and

WHEREAS, the estimated value of these servers is between \$150-450; and

WHEREAS, New Albany C.O. Section 123.05(d)(2) authorizes the Finance Director to sell or trade-in property having a value of \$10,000 or less with the consent and approval of the city manager; and

WHEREAS, the third-party will maintain the Servers for the benefit of the city as long as its service contract with the city remains in place; and

WHEREAS, it is in the city's best interest to transfer ownership of the existing servers as a cost effective approach to provide efficient data recovery services; and

NOW, THEREFORE, BE IT RESOLVED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1: Council hereby authorizes the finance director, with the consent and approval of the city manager, to transfer ownership of the Servers provided that the Servers will continue to be

utilized to the benefit of the City as a back-up and data recovery assets as long as a service contract remains in place.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2020.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared:	01/28/2020
Introduced:	02/18/2020
Revised:	
Adopted:	
Effective:	



RESOLUTION R-07-2020

A RESOLUTION TO WAIVE THE COMPETITIVE BIDDING REQUIREMENT OF THE NEW ALBANY CHARTER AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT FOR A REPLACEMENT SHUTTLE BUS

WHEREAS, the City of New Albany is in need of a shuttle bus to replace an existing, high-mileage shuttle that is nearing the end of its useful life; and

WHEREAS, city staff has obtained competitive quotes from four vendors, including a vendor that is approved under Ohio's State Purchasing Program; and

WHEREAS, the city is able to obtain a shuttle that is readily available and a superior value, as compared to the shuttle that is available through the State Purchasing Program; and

WHEREAS, the shuttle that is offered for sale through the approved State Purchasing Program has a six month lead time for delivery while the shuttle that is offered for sale by Carpenter Bus Sales is available for immediate delivery; and

WHEREAS, the thirty passenger shuttle that is offered for sale by Carpenter Bus Sales for \$64,900 is only \$1,815 more expensive than the eighteen passenger shuttle that is offered for sale through the State Purchasing Program for \$63,085; and

WHEREAS, the city can benefit from the added capacity of a thirty passenger shuttle as ridership grows with the expansion of the business park; and

WHEREAS, Section 9.04(C) of the New Albany Charter permits council to waive the city's competitive bidding requirement if Council determines that the waiver of the competitive bidding requirement is in the best interest of the city; and

NOW, THEREFORE, BE IT RESOLVED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1: A waiver of competitive bidding is hereby authorized for the purchase of one, thirty passenger shuttle bus from Carpenter Bus Sales at a price not to exceed \$68,000.

Section 2: The city manager is hereby authorized to execute all contracts and documents necessary for the purchase of said shuttle bus.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 4. Pursuant to Article VI, Section 6.07(A) of the Charter of the City of New Albany, this resolution shall be effective immediately upon passage.

CERTIFIED AS ADOPTED this _____ day of _____, 2020.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 02/07/2020

Introduced: 02/18/2020

Revised:

Adopted:

Effective:



RESOLUTION R-08-2020

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN AGREEMENTS WITH VANTRUST REAL ESTATE, LLC RELATED TO INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA

WHEREAS, the Council for the City of New Albany, Ohio (the "City") by its Resolution No. R-17-09 adopted March 3, 2009 (the "Original CRA Legislation"), created the Oak Grove II Community Reinvestment Area (the "Original Area") and by its Resolutions No. R-41-10 adopted July 6, 2010, No. R-72-10 adopted November 16, 2010, No. R-53-2012 adopted October 2, 2012, No. R-26-2013 adopted August 6, 2013, No. R-72-2014 adopted September 16, 2014, and R-49-2015 adopted November 17, 2015, No. R-45-2016 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-17-18 adopted July 17, 2018, No. R-41-18 adopted November 6, 2018, No. R-05-2019 adopted February 19, 2019, and No. R-37-2019 adopted August 6, 2019, and (together the "CRA Expansion Legislation" and collectively with the Original CRA Legislation the "CRA Legislation"), amended the designation of the Original Area to include the area known as the "Johnstown Monroe Area", "Johnstown Monroe Annex", "Licking Heights Annex", "Cobbs Road Annex", "Harrison Road Area", "Innovation Campus Area" "Innovation Campus Way Extension" "Beech Road South", "Babbitt Road", and the "Central College Road Area" respectively, and certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove II Community Reinvestment Area; and

WHEREAS, the City has encouraged the development of real property and the acquisition of personal property to be located in the CRA; and

WHEREAS, the Director of Development of the State of Ohio has determined that the Area contains the characteristics set forth in R.C. Section 3735.66 and confirmed the Area as a "Community Reinvestment Area"; and

WHEREAS, VanTrust Real Estate, LLC, Inc. has submitted to the City a proposed agreement application (the "Application"), the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City, and the City, having appropriate authority, desires to provide the Company with the incentives available in the CRA for the development of the project described in that Application; and

WHEREAS, the Board of Education of the Eastland Fairfield Career and Technical School District has been notified in accordance with the applicable law; and

WHEREAS, the Board of Education of the New Albany Plain Local School District approved this Agreement and waived their right to notice in accordance with their respective compensation agreements entered into with New Albany;

NOW, THEREFORE, BE IT RESOLVED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. The city manager is hereby authorized to execute the CRA Agreement by and between the City and the Company, in the form presently on file in the New Albany Community Development Department, which Agreement provides for up to a 15-year, 100% CRA exemption for the proposed project, and directed to take any further actions, and execute and deliver any further agreements, certificates or documents necessary to accomplish the granting of the incentives described in the Agreement, provided further that the approval of changes thereto by the city manager and their character as not being substantially adverse to the City shall be evidenced conclusively by the execution thereof.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2020.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 02/07/2020

Introduced: 02/18/2020

Revised:

Adopted:

Effective:



RESOLUTION R-09-2020

A RESOLUTION AUTHORIZING THE CITY'S CONTRIBUTION OF \$210,000 TO THE NEW ALBANY PLAIN LOCAL SCHOOL DISTRICT FOR THE PURCHASE AND INSTALLATION OF TWO RECREATIONAL PAVILIONS LOCATED BEHIND THE HINSON AMPHITHEATER ALONG THE ROSE RUN PARK CORRIDOR, WHICH WILL ENHANCE THE ADJACENT PLAYGROUND AND BE OPEN TO THE PUBLIC DURING NON-SCHOOL HOURS

WHEREAS, the City of New Albany and the New Albany Plain Local School District have a long history of collaboration for the benefit of the community; and

WHEREAS, the city has demonstrated its ongoing commitment to the success of the school district through its management of residential and commercial growth, revenue sharing, and the provision of on-campus safety programs; and

WHEREAS, the city has made significant investments in road, traffic signal, pedestrian crossing and leisure trail infrastructure to provide safe access to the New Albany Plain Local School Campus for its students, parents and visitors; and

WHEREAS, the city has made significant investments in the Rose Run Park in order to improve pedestrian access and safety for the students who travel to and from the New Albany School Campus, New Albany Library, and the Market Square businesses; and

WHEREAS, the Rose Run Park corridor is likely to become a destination location for New Albany families as a result of the improvements to the park, programming at the McCoy Center and Hinson Amphitheater, and the redevelopment of the former New Albany Mill site; and

WHEREAS, the families who visit the Rose Run Park Corridor for recreational purposes or to attend community events may wish to utilize the playground equipment and pavilions located on the school campus, adjacent to the Hinson Amphitheater; and

WHEREAS, the school district has expressed its desire to make the playground equipment and pavilions available to the community during non-school hours.

WHEREAS, through its recent strategic planning process, the city has heard from residents that they desire a playground in the Village Center to compliment the pocket parks that exist in the residential neighborhoods.

NOW, THEREFORE, BE IT RESOLVED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. For the reasons set forth in the “Whereas” clauses herein, the City Council hereby authorizes, and approves as a public purpose, the contribution of \$210,000 to the New Albany Plain Local School District for the purchase and installation of two recreational pavilions located behind the Hinson Amphitheater along the Rose Run Park corridor, which will enhance the adjacent playground and be open to the public during non-school hours.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall become effective immediately upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2020.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared:	02/08/2020
Introduced:	02/18/2020
Revised:	
Adopted:	
Effective:	



RESOLUTION R-10-2020

A RESOLUTION TO WAIVE THE COMPETITIVE BIDDING REQUIREMENTS FOR LANDSCAPE MAINTENANCE AND SNOW REMOVAL SERVICES AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A ONE YEAR CONTRACT WITH THE ROCKY FORK LANDSCAPING COMPANY FOR THE MAINTENANCE OF THE ROSE RUN PARK

WHEREAS, the City of New Albany has a landscaping and snow removal contract with Rocky Fork Landscaping for the maintenance of the Heit Center Grounds; and

WHEREAS, Rocky Fork Landscaping has been highly responsive and very conscientious in the maintenance of the Heit Center grounds; and

WHEREAS, the Rose Run Park will require significant regular maintenance that is consistent with the level of maintenance provided to the Heit Center grounds; and

WHEREAS, Rocky Fork Landscaping has the capacity to provide a high level of maintenance and has offered a competitive quote for landscaping and snow removal services at the Rose Run Park; and

WHEREAS, the city is in the final year of a multi-year contract with Yard Solutions for the mowing of parks, roadsides, open spaces and the grounds around public buildings; and

WHEREAS, the New Albany Home Owners' Master Association is in the final year of a landscape maintenance contract with Rocky Fork Landscaping; and

WHEREAS, the city and the Master Association have, in prior years, attempted to coordinate their landscaping efforts to encourage the most consistent mowing results throughout the community; and

WHEREAS, the city's public service director has expressed the desire to synchronize the bidding of the city and Master Association landscape maintenance contracts in order to better coordinate the entities' landscaping efforts and potentially obtain better pricing in the upcoming contract period; and

WHEREAS, Section 9.04(C) of the New Albany Charter permits council to waive the city's competitive bidding requirement if council determines that the waiver of the competitive bidding requirement is in the best interest of the city.

NOW, THEREFORE, BE IT RESOLVED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. Council hereby finds that for the reasons set forth in the "Whereas" clauses herein, it is in the city's best interest to waive the competitive bidding requirement pursuant to Section 9.04(C) of the New Albany Charter, in order to enable it to achieve the best possible coordination of landscaping and snow removal services for the Heit Center and Rose Run Park and synchronize the bidding and contract dates for future landscaping and snow removal contracts.

Section 2. The city manager is hereby authorized to enter into a landscape maintenance and snow removal contract with Rocky Fork Landscaping for the maintenance of the Rose Run Park for a term of one year.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 4. Pursuant to Article 6.07(B) of the New Albany Charter, this resolution shall become effective immediately upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2020.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 02/08/2020
Introduced: 02/18/2020
Revised:
Adopted:
Effective: