



ORDINANCE O-42-2021

ANNUAL APPROPRIATION ORDINANCE

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NEW ALBANY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022

WHEREAS, Ohio Revised Code §5705.38(A) requires the taxing authority of each political subdivision to pass an annual appropriation measure on or about the first day of each year; and

WHEREAS, Council for the City of New Albany, State of Ohio, wishes to provide for funding for current expenses and other expenditures of the city during fiscal year 2022.

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

Section 1. To provide for the current expenses and other expenditures within the 2022 Annual Budget Program of the City of New Albany during the fiscal year ending December 31, 2022, the annual sums as follows are hereby set aside and appropriated:

Fund	Department	Category	Amount
General	Police	Personal Services	6,476,621
General	Police	Operating and Contractual Services	315,585
General	Community Development	Personal Services	1,900,150
General	Community Development	Operating and Contractual Services	1,334,950
General	Public Service	Personal Services	4,704,389
General	Public Service	Operating and Contractual Services	1,170,500
General	Land & Building Maintenance	Personal Services	173,457
General	Land & Building Maintenance	Operating and Contractual Services	1,693,550
General	Council	Personal Services	322,891
General	Council	Operating and Contractual Services	41,750
General	Administrative Services	Personal Services	1,722,406
General	Administrative Services	Operating and Contractual Services	2,272,485
General	Finance	Personal Services	831,108
General	Finance	Operating and Contractual Services	682,000
General	Legal	Personal Services	3,800
General	Legal	Operating and Contractual Services	354,500

Fund	Department	Category	Amount
General	General Administration	Personal Services	235,799
General	General Administration	Operating and Contractual Services	832,500
General	N/A	Transfers & Other Financing Uses	2,646,807
		Total General Fund	27,715,246

Fund	Department	Category	Amount
Severance Liability	General Administration	Personal Services	150,000
Street Construction, Maintenance & Repair	Public Service	Operating and Contractual Services	155,000
Street Construction, Maintenance & Repair	N/A	Capital	1,000,000
State Highway	Public Service	Operating and Contractual Services	20,000
State Highway	N/A	Capital	20,000
Permissive Tax	Public Service	Operating and Contractual Services	65,000
Permissive Tax	N/A	Capital	130,000
Permissive Tax	N/A	Transfers & Other Financing Uses	400,000
Alcohol Education	Police	Operating and Contractual Services	1,000
Drug Use Prevention Program Grant	Police	Personal Services	20,000
Law Enforcement & Education	Police	Operating and Contractual Services	2,250
K-9 Patrol	Police	Personal Services	16,000
K-9 Patrol	Police	Operating and Contractual Services	3,000
Safety Town	Police	Operating and Contractual Services	59,930
DUI Grant	Police	Personal Services	10,000
Law Enforcement Assistance	Police	Personal Services	1,200
Economic Development (NACA)	Community Development	Operating and Contractual Services	2,874,212
Economic Development (NACA)	Public Service	Operating and Contractual Services	100,000
Economic Development (NACA)	N/A	Transfers & Other Financing Uses	525,788
Economic Development (NAECA)	N/A	Transfers & Other Financing Uses	2,199,945
Local Fiscal Recovery	General Administration	Operating and Contractual Services	572,622
Hotel Excise Tax	Community Development	Operating and Contractual Services	90,000
Healthy New Albany Facilities	General Administration	Operating and Contractual Services	90,000
Healthy New Albany Facilities	Land & Building Maintenance	Operating and Contractual Services	479,000
Healthy New Albany Facilities	N/A	Transfers & Other Financing Uses	494,923
Hinson Amphitheater Fund	General Administration	Operating and Contractual Services	60,000
Alcohol Indigent	Administrative Services	Operating and Contractual Services	1,000
Mayors Court Computer	Administrative Services	Operating and Contractual Services	1,000
Court Special Projects	Administrative Services	Operating and Contractual Services	1,000
Clerk's Office Computer	Administrative Services	Operating and Contractual Services	1,000
Subdivision Development	Community Development	Operating and Contractual Services	1,000,000
Builder's Escrow	Community Development	Operating and Contractual Services	600,000

Fund	Department	Category	Amount
Oak Grove EOZ	Community Development	Operating and Contractual Services	3,797,793
Central College EOZ	Community Development	Operating and Contractual Services	2,125,962
Oak Grove II EOZ	Community Development	Operating and Contractual Services	1,567,646
Blacklick EOZ	Community Development	Operating and Contractual Services	3,656,818
Windsor TIF	General Administration	Operating and Contractual Services	800,000
Windsor TIF	N/A	Capital	2,500,000
Windsor TIF	N/A	Transfers & Other Financing Uses	726,015
Wentworth Crossing TIF	General Administration	Operating and Contractual Services	120,000
Wentworth Crossing TIF	N/A	Transfers & Other Financing Uses	160,000
Hawksmoor TIF	General Administration	Operating and Contractual Services	63,000
Hawksmoor TIF	N/A	Transfers & Other Financing Uses	96,201
Enclave TIF	General Administration	Operating and Contractual Services	21,500
Enclave TIF	N/A	Transfers & Other Financing Uses	60,000
Saunton TIF	General Administration	Operating and Contractual Services	49,500
Saunton TIF	N/A	Transfers & Other Financing Uses	120,000
Richmond Square TIF	General Administration	Operating and Contractual Services	63,500
Richmond Square TIF	N/A	Transfers & Other Financing Uses	105,283
Tidewater I TIF	General Administration	Operating and Contractual Services	122,500
Tidewater I TIF	N/A	Transfers & Other Financing Uses	300,000
Ealy Crossing TIF	General Administration	Operating and Contractual Services	124,000
Ealy Crossing TIF	N/A	Transfers & Other Financing Uses	300,000
Upper Clarenton TIF	General Administration	Operating and Contractual Services	185,000
Upper Clarenton TIF	N/A	Transfers & Other Financing Uses	235,225
Balfour Green TIF	General Administration	Operating and Contractual Services	11,500
Balfour Green TIF	N/A	Transfers & Other Financing Uses	17,130
Straits Farm TIF	General Administration	Operating and Contractual Services	306,000
Oxford TIF	General Administration	Operating and Contractual Services	43,000
Oxford TIF	N/A	Transfers & Other Financing Uses	67,000
Schleppi (Residential) TIF	General Administration	Operating and Contractual Services	60,000
Schleppi (Residential) TIF	N/A	Transfers & Other Financing Uses	160,000
Blacklick TIF	General Administration	Operating and Contractual Services	1,025,000
Blacklick TIF	N/A	Transfers & Other Financing Uses	265,386
Blacklick II TIF	General Administration	Operating and Contractual Services	500
Village Center TIF	General Administration	Operating and Contractual Services	615,000
Village Center TIF	N/A	Transfers & Other Financing Uses	360,000
Research & Technology District TIF	General Administration	Operating and Contractual Services	5,000
Oak Grove II TIF	General Administration	Operating and Contractual Services	27,500
Oak Grove II TIF	N/A	Capital	6,000,000
Village Center II TIF	General Administration	Operating and Contractual Services	445,000
		Total Special Revenue Funds	37,851,829

Fund	Department	Category	Amount
Debt Service	N/A	Debt Service	6,609,983
		Total Debt Service Funds	6,609,983

Fund	Department	Category	Amount
Capital Improvement	N/A	Capital	17,860,000
Capital Improvement	Finance	Operating and Contractual Services	80,000
Park Improvement	N/A	Capital	4,630,000
Park Improvement	Finance	Operating and Contractual Services	25,000
Water & Sanitary Sewer Improvement	N/A	Capital	15,000
Leisure Trail Improvement	N/A	Capital	300,000
Infrastructure Replacement	Finance	Operating and Contractual Services	1,500
Capital Equipment Replacement	N/A	Capital	980,550
Oak Grove II Infrastructure	N/A	Capital	5,000,000
Oak Grove II Infrastructure	Finance	Operating and Contractual Services	40,000
Economic Development Capital	N/A	Capital	7,000,000
		Total Capital Projects Funds	35,932,050
		Total All Funds	108,109,109

Section 2. To affect the purposes of the foregoing appropriations, the city manager is authorized to enter into agreements on such terms determined in the city manager's discretion, consistent with all other ordinances and resolutions in effect and enacted from time to time.

Section 3. The director of finance is authorized to allocate the appropriations for a department within activities. Except as provided in Section 4 and Section 5, the director of finance is authorized to approve transfers between activities, provided that funds may not be transferred between appropriation line items.

Section 4. The director of finance is authorized to transfer up to \$10,000 between appropriation line items, provided that such transfers are within the same fund and department, where applicable.

Section 5. The director of finance is authorized to transfer appropriations between the General fund and various special revenue funds which include the police department, provided that such transfers are for an expense meeting the restrictions of said fund or funds, where applicable.

Section 6. 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 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 Section 121 of the Ohio Revised Code.

Section 7. Pursuant to Article VI, Section 6.07(A) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 10/25/2021
Introduced: 11/02/2021
Revised: 11/24/2021
Adopted:
Effective:



ORDINANCE O-43-2021

AN ORDINANCE TO REPEAL ORDINANCE O-13-2004 AND DISBAND THE ECONOMIC DEVELOPMENT COMMISSION

WHEREAS, on April 6, 2004, Village Council adopted Ordinance O-13-2004 to create an Economic Development Commission to study, analyze, and make recommendations to the mayor and council regarding economic development activities of the village; and

WHEREAS, at the time the ordinance was adopted, the village was in the process of creating a Community Development Department and its economic development program was not fully developed; and

WHEREAS, since the establishment of the commission approximately 17 years ago, the Community Development Department has become well established and its programs and practices have become highly respected throughout the region for their effectiveness; and

WHEREAS, due to the maturity and effectiveness of the Community Development Department, the Economic Development Commission has not had reason to meet in several years.

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

Section 1. Ordinance O-13-2004 is hereby repealed and the Economic Development Commission shall be disbanded upon the effective date of this ordinance.

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(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 11/17/2021

Introduced: 12/07/2021

Revised:

Adopted:

Effective:



ORDINANCE O-44-2021

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 109.59+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on June 3, 2021, and

WHEREAS, the foregoing Resolution #110-243 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on September 23, 2021, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolutions R-37-2021 and R-26-2021 of the City of New Albany, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreements with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation.

WHEREAS, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

WHEREAS, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and subject to a special property assessment in compliance therewith, and

WHEREAS, The New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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

Section 1: The application of property owners set forth in Licking County requesting the annexation of 109.59+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

Section 2: An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Licking County Board of Commissioners regarding the annexation proceedings have been on file with the

Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

Section 3: Council of the City of New Albany hereby accepts the annexation of a 109.59+/- acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

Section 4: The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.

Section 5. It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 Section 121 of the Ohio Revised Code.

Section 6. Pursuant to Article VI, Section 6.07(b) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 11/18/2021
Introduced: 12/07/2021
Revised:
Adopted:
Effective:

**CERTIFICATION BY CLERK OF COUNCIL
OF PUBLICATION OF LEGISLATION**

I certify that copies of Ordinance **O-44-2021** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2021.

Jennifer Mason, Clerk of Council

Date

Exhibit A - O-44-2021

PROPOSED ANNEXATION OF 109.59± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lots 1 and 2, Quarter Township 2, Township 2, Range 15, United States Military District, being all of that 5.003 acre tract conveyed to Ray E. Rusmisl and Vicki D. Rusmisl by deed of record in Official Record 99, Page 733, part of that 32.553 acre conveyed to Ray E. Rusmisl and Vicki D. Rusmisl by deed of record in Official Record 155, Page 296, all of that 17.753 acre tract conveyed to Ted V. Grinstead by deed of record in Instrument Number 200202140006157, all of that 1.033 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202105120014321, all of that 42.83 acre tract conveyed to William J. Dodderer and Courtney B. Dodderer by deed of record in Instrument Number 202007140017128, all of that 2.000 acre tract conveyed to William J. Dodderer and Courtney B. Dodderer by deed of record in Instrument Number 202012160034569, all of that 4.666 acre tract conveyed to Francis Green by deed of record in Instrument Number 201706210013078, all of the remainder of that 20.00 acre tract conveyed Dedorah K. Watson by deed of record in Instrument Number 201002050002419, and all of that 7.393 acre tract conveyed to Robert J. Dodel by deed of record in Instrument Number 201107210013445 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Mink Street (County Road 41) with Beaver Road (Township Road 90):

Thence with the centerline of said Mink Street the following courses and distances:

North 29° 32' 02" East, a distance of 266.50 feet to a point;

North 29° 19' 01" East, a distance of 671.09 feet to a point; and

North 28° 35' 00" East, a distance of 808.76 feet to the common corner of said 2.000 acre tract and that tract conveyed to Brian D. Smith and Brad A. Smith by deed of record in Instrument Number 201805090009290, an angle point in the existing City of New Albany Corporation Line as established by Ordinance Number _____, of record in Instrument Number _____, the TRUE POINT OF BEGINNING;

Thence with said Corporation Line the following courses and distances:

North 85° 50' 54" West, with the northerly line of said Smith tract, a distance of 1869.60 feet to a point;

South 03° 42' 26" West, with the westerly line of said Smith tract, a distance of 350.62 feet to a northeasterly corner of that tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202105060013587; and

North 86° 19' 44" West, with the northerly line of said MJB Holdings tract, a distance of 690.34 feet to a point in the existing City of New Albany Corporation Line as established by Ordinance Number O-31-2015, of record in Instrument Number 201601070000270, the easterly line of that tract conveyed to 9750 Innovation Campus Way, LLC by deed of record in Instrument Number 202101190001760;

Thence North 03° 47' 55" East, with said easterly line, said existing City of New Albany Corporation Line (Ord. O-31-2015), a distance of 491.31 feet to a point in the southerly line of that tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201602110002644;

**PROPOSED ANNEXATION OF
109.59± ACRES**

-2-

Thence South 86° 34' 06" East, with said southerly line, the existing City of New Albany Corporation Line as established by Ordinance Number O-29-2016, of record in Instrument Number 201612050026928, a distance of 344.64 feet to a southeasterly corner of said MBJ Holdings tract:

Thence North 03° 58' 03" East, with the easterly lines of said MBJ Holdings tract and that tract conveyed to Nine Properties, Limited by deed of record in Instrument Number 200505250015574, partially with said Corporation Line (Ord. O-29-2016), a distance of 1687.48 feet to the centerline of Jug Street;

Thence South 86° 13' 09" East, with said centerline, a distance of 1888.40 feet to the northwest corner of that tract conveyed to Davida B. Carsey by deed of record in Instrument Number 200503100007093;

Thence with the perimeter of said Carsey tract, the following courses and distances:

South 03° 35' 24" West, a distance of 227.87 feet to a point;

South 85° 39' 22" East, a distance of 211.13 feet to a point; and

North 03° 26' 43" East, a distance of 229.95 feet to the centerline of said Jug Street;

Thence South 86° 13' 09" East, with said centerline, a distance of 344.10 feet to the northwest corner that tract conveyed to Betty M. Fagerstrom by deed of record in Deed Book 826, Page 989;

Thence South 03° 35' 24" West, with the west line of said Fagerstrom tract, a distance of 657.13 feet to the southwest corner of said Fagerstrom tract;

Thence South 86° 27' 03" East, with the south line of said Fagerstrom tract, a distance of 276.17 feet to the centerline of said Mink Street;

Thence South 21° 43' 05" West with said centerline, a distance of 268.76 feet to a point;

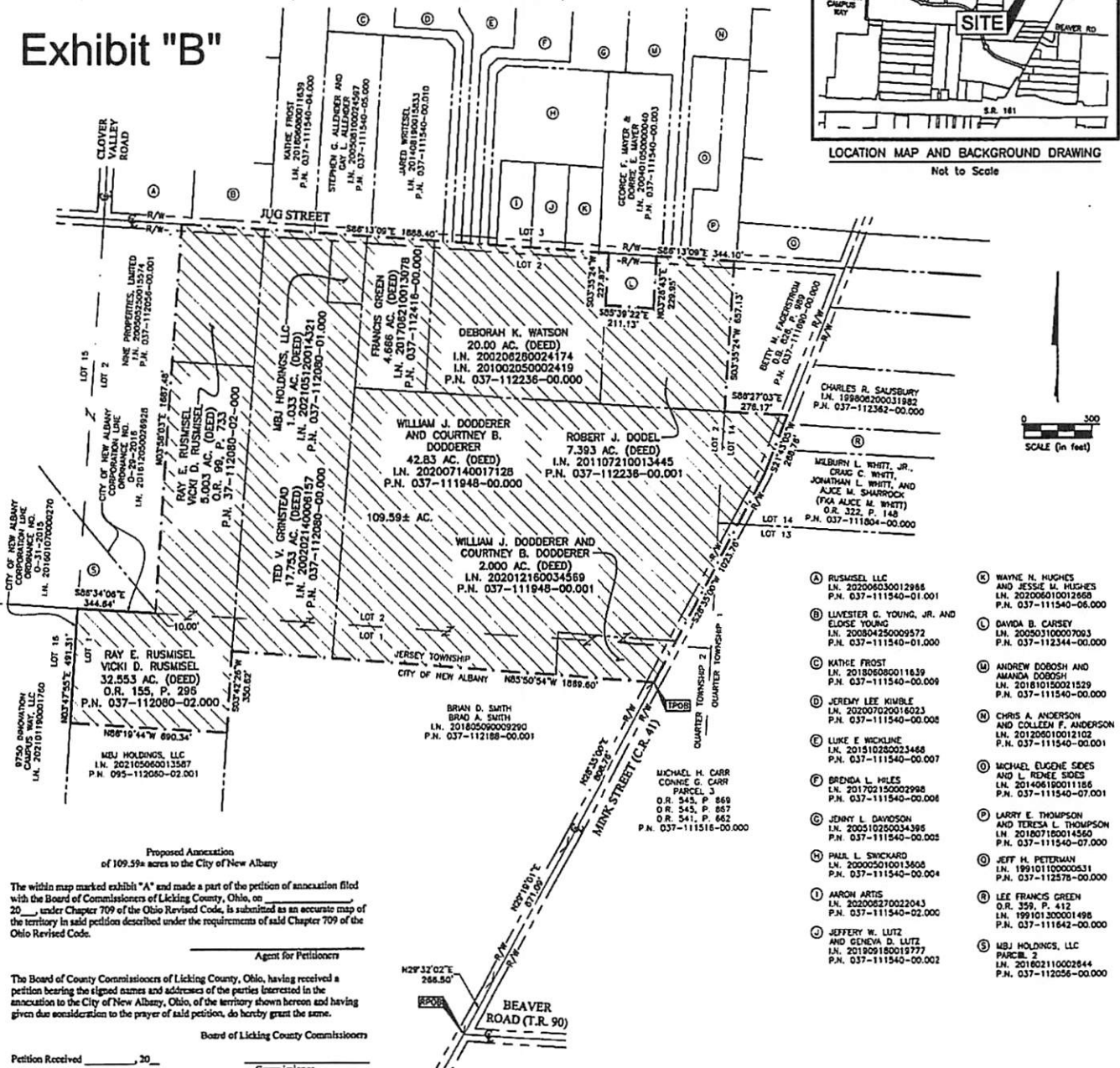
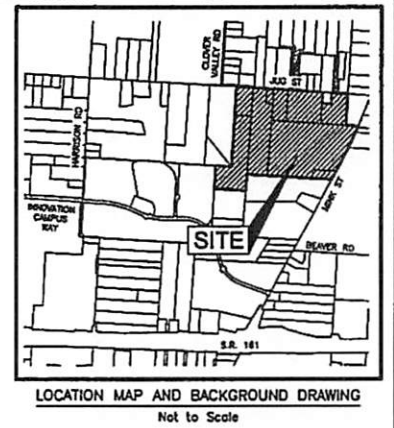
Thence South 28° 35' 00" West, a distance of 1023.76 feet to the TRUE POINT OF BEGINNING, containing 109.59 acres, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

**Heather L. King
Professional Surveyor No. 8307**

ANNEXATION OF 109.59± ACRES TO THE CITY OF NEW ALBANY FROM THE TOWNSHIP OF JERSEY LOTS 13 & 14, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15 AND LOTS 1 & 2, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Exhibit "B"



Proposed Annexation of 109.59± acres to the City of New Albany

The within map marked exhibit "A" and made a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio, on 20, under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

Agent for Petitioners

The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of New Albany, Ohio, of the territory shown hereon and having given due consideration to the prayer of said petition, do hereby grant the same.

Board of Licking County Commissioners

Petition Received _____, 20____

Petition Approved _____, 20____

Transferred this _____ day of _____, 20____, upon the duplicates of this office.

Containing _____ acres.

Transfer Fee _____

Received for Record _____, 20____, at _____ (AM-PM) and recorded _____, 20____, in plat ordinance, petition, etc. in instrument number _____.

Plat Fee _____

Ordinance, etc. Fee _____

Council for the City of New Albany, Ohio, by ordinance _____, 20____, and approved by the mayor on _____, 20____, did accept the territory shown hereon for annexation to the City of New Albany, Ohio, a municipal corporation.

Attest _____

Attest _____

Attest _____

Attest _____

Attest _____

Attest _____

Attest _____

Attest _____

Attest _____

Attest _____

Attest _____

AREA TO BE ANNEXED

PROPOSED CITY OF NEW ALBANY CORPORATION LINE

EXISTING CITY OF NEW ALBANY CORPORATION LINE

CONTIGUITY NOTE:

Total perimeter of annexation area is 10561.27 feet, of which 845.95 feet is contiguous with the City of New Albany by Ordinance Numbers O-29-2016 and O-31-2015, giving 8% perimeter contiguity.

NOTE:

This annexation does not create islands of unincorporated areas within the limits of the area to be annexed.



Heather L. King
Professional Surveyor No. 8307
hking@cmst.com



Date: July 28, 2021

Scale: 1" = 300'

Job No: 2021-0747

Sheet: 1 of 1

REVISIONS

MARK	DATE	DESCRIPTION
MLK	8/30/21	Revisions per County comments



ORDINANCE O-45-2021

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 11.751 +/- ACRES OF LAND LOCATED AT 7270 NEW ALBANY-CONDIT ROAD FOR AN AREA TO BE KNOWN AS THE "CORNERSTONE ACADEMY ZONING DISTRICT" FROM ITS CURRENT ZONING OF LIMITED GENERAL EMPLOYMENT (L-GE) TO "I-PUD" INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY CORNERSTONE ACADEMY C/O AARON UNDERHILL, ESQ.

WHEREAS, council 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 Rocky Fork-Blacklick Accord, Planning Commission, and 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 Cornerstone Academy c/o Aaron Underhill, Esq., the Rocky Fork-Blacklick Accord and Planning Commission have reviewed the proposed ordinance amendment and recommended its approval unanimously.

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

- A. A 11.751 ± acre area of land located at 7270 New Albany-Condit Road (PID: 222-001945) for an area to be known as the "Cornerstone Academy Zoning District" from its current zoning of Limited General Employment (L-GE) to Infill-Planned Unit Development (I-PUD).
- B. The zoning district's zoning text and preliminary development 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 adoption of this legislation were adopted in an open meeting of 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 Section 121 of the Ohio Revised Code.

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 _____, 2022.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 11/19/2021

Introduced: 12/07/2021

Revised:

Adopted:

Effective:

CORNERSTONE ACADEMY ZONING DISTRICT

INFILL PLANNED DEVELOPMENT (I-PUD)

DEVELOPMENT STANDARDS TEXT

November 16, 2021

I. Summary: This I-PUD zoning district consists of 11.751+/- acres located to the northwest of and adjacent to the intersection of New Albany-Condit Road and New Albany Road East. The property is presently undeveloped and is generally bisected from southwest to northeast by a 110-foot wide gas line easement. To the north is the Nottingham Trace residential subdivision, including a 23+ acre park that is to the northwest of and adjacent to the subject site. To the north of and adjacent to this zoning district is a tract of property that is zoned to allow future development of retail and service uses, and to the east across New Albany-Condit Road is the Canine Companions for Independence campus. An undeveloped property is located to the west, and across New Albany Road East to the south and southwest are data centers.

The applicant, Cornerstone Academy, is a tuition-free public charter school. It seeks this rezoning to allow the operation of a middle school and high school facility that will serve as a complement to an elementary school at its main campus on Walnut Street and to replace an undersized facility on Central College Road that currently serves students in grades 6-12. The proposed facility will be a two-story building to be located in the northwestern portion of the subject site. Two outdoor sports fields also are proposed, one being located generally parallel to each of New Albany-Condit Road and New Albany Road East.

II. Development Standards: Unless otherwise specified in the submitted drawings or in this written text, the provisions of the City of New Albany Codified Ordinances shall apply to this zoning district. In the event of a conflict between this text or the submitted drawings and a specific provision of the Codified Ordinances, this text or the drawings shall govern. When this text or the submitted drawings are silent on a particular matter, the provisions of the Codified Ordinances shall apply. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape, and architectural standards. These component standards ensure consistency and quality throughout the development.

III. Permitted Uses: The only permitted use in this zoning districts shall be primary, intermediate, and secondary schools. Supporting ancillary uses typical of that found on a school campus shall be permitted as accessory uses, such as but not necessarily limited to gymnasiums, auditoriums, cafeterias, administrative offices, outdoor recreational fields, open space, and playgrounds.

IV. Setback and Lot Commitments:

A. New Albany-Condit Road: There shall be a minimum pavement and building setback of 125 feet from the right-of-way of New Albany-Condit Road.

B. New Albany Road East: There shall be a minimum pavement and building setback of 125 feet from the right-of-way of New Albany Road East.

C. Other Perimeter Boundaries: There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries of this zoning district that are not adjacent to a public right-of-way.

D. Interior Setbacks: There shall be a zero setback requirement for pavement and buildings from property lines that are interior to this zoning district (i.e., those property lines which are not perimeter boundary lines).

E. Maximum Lot Coverage: The maximum lot coverage in this zoning district shall be 60%.

V. Architectural Standards: Architecture for buildings in this zoning district shall be governed by the requirements of the City's Design Guidelines and Requirements for Institutional and Civic Buildings. In addition, the following architectural requirements shall apply to this site:

A. Building Height: The maximum building height for primary structures shall not exceed 65 feet. Architectural elements may exceed this height as provided in Section 1165.07 of the Codified Ordinances. Buildings shall be no more than two stories in height.

B. Service and Loading Areas: Service areas and loading docks shall be fully screened from the view of public rights-of-way.

C. General Requirements:

1. Building designs shall not mix architectural elements or ornamentation from different styles. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

2. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, brick, brick veneer, stone, stone veneer, and concrete shall be permitted, along with contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, and cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. The use of reflective or mirrored glass shall be prohibited. The primary masonry color will be earth tones of light and medium sand and/or gray and other façade materials shall be darker in color to provide design interest and contrast.

3. Buildings shall be required to employ a comparable use of materials on all elevations.

4. Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent with the building's façade and

character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer/attenuate sound generated by such equipment.

VI. Access, Traffic, Site Circulation, and Parking Commitments:

A. Street Rights-of-Way: Right-of-way shall be dedicated to the City for a distance of 50 feet as measured from the centerline of New Albany-Condit Road and for a distance of 50 feet as measured from the centerline of New Albany Road East.

B. Access: Vehicular access to and from this zoning district shall be permitted from New Albany-Condit Road and New Albany Road East. Best effort to install a cross access easement for the access drive located on New Albany Road East shall be required. A Traffic Impact Study (TIS) shall be completed by the developer and submitted for review, approval, and acceptance by the city traffic engineer no later than the time of filing a final development plan application to determine if full access drives or RI/RO only are permitted. The TIS will also determine if and where right and left turn lanes may be required to minimize traffic back-ups. The TIS shall also take into consideration cross access feasibility for the access drive located on New Albany Road East.

C. Private Drives: A private drive shall be provided in the northern and western portions of the site which generally runs parallel to the northern boundary line and then turns and runs generally parallel to the western boundary. This private drive shall be the primary route used for bus traffic and may also be used by other vehicles. A bus lane shall be provided adjacent to the west side of the building to allow for student drop-off and pick-up while not impacting the flow of other traffic interior to the site. Another private drive shall connect to the first one in a loop configuration running along the south and east of the building.

D. Parking Spaces: A minimum of 205 parking spaces shall be provided with the initial phase of development. Should an expansion of the building occur in the future, additional parking shall be provided at the minimum rate of 3 parking spaces for each additional classroom or 1 parking space for each 5 seats in a new auditorium, whichever is greater.

VII. Buffering, Landscaping, Open Spaces, and Screening:

A. Landscaping Plan: A landscaping plan shall be submitted with a final development plan application for review by the Planning Commission. Landscaping in this zoning district shall be installed and maintained in accordance with the landscaping plan that is approved by the Planning Commission.

B. State Route 605 and New Albany Road East Landscape Treatments: A landscape treatment consisting of an average of 10 trees per 100 lineal feet of road frontage shall be installed and maintained along State Route 605 and New Albany Road East within a distance of 55 feet from the right-of-way. These trees shall consist of a mix of deciduous and evergreen species that are native to Ohio, with the locations, number, and spacing to be reviewed as part of a final development plan. These trees shall be installed on a mound that has a slope not to exceed 6:1 on the side facing the public street. The mound shall be a minimum of 3 feet and a maximum of 12

feet in height, and its design shall be reviewed as part of a final development plan. 70% of required trees shall be planted on the street side of the mound, and no trees shall be located within the upper quartile crest of the mound.

C. Parking Lot Landscaping: Interior landscaping within paved parking areas shall be a minimum of five percent (5%) of the total area of the parking lot pavement. The landscaped areas shall be arranged in such a manner so as to visually break up large expanses of pavement and provide landscaped walking paths between parking lots and the main buildings.

D. Leisure Trails: An asphalt leisure trail with a width of 8 feet shall be constructed by the applicant/developer along the zoning district's frontage on New Albany-Condit Road. This leisure trail shall be constructed to connect to an existing leisure trail that is located along the site's frontage on New Albany Road East.

E. White Horse Fence: A four-board white horse fence shall be installed along the zoning district's frontage on New Albany-Condit Road. The existing four-board white horse fence along New Albany Road East shall remain.

F. Stream Corridor: A Stream Corridor Protection Zone shall be provided along the stream that generally runs east-west along the northern boundary line of this zoning district. It shall be a minimum of 50 feet in width as measured both northward and southward from the centerline of the stream, it being the intent that a similar protection zone shall be provided by the property owners located to the north of the stream. Within the Stream Corridor Protection Zone, no improvements shall be permitted other than landscaping, if approved as part of a final development plan, and an asphalt leisure path running east-west with a location to be approved as part of a final development plan. Such leisure path shall connect to New Albany-Condit Road on the east and shall stub to the existing off-site public park to the northwest of this zoning district.

G. Connections to Leisure Trails and Public Streets: A clear and defined route of pedestrian and bicycle ingress and egress between buildings and the public street network and adjacent leisure trails shall be provided.

H. Street Trees: Existing street trees along New Albany Road East shall remain and be maintained. Street trees shall be installed on New Albany-Condit Road at the rate of 4 trees per 100 linear feet. Notwithstanding the foregoing, tree spacing on public streets may deviate from this spacing requirement if necessary or appropriate to provide a desirable streetscape, as approved as part of a final development plan. Street trees shall be a minimum of 3 inches in caliper at installation. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on the final development plan for review and approval.

I. Trash Enclosures: All dumpsters shall be located in the side or rear yard outside of minimum pavement setbacks and shall be enclosed by masonry walls or by fences in order to screen them from off-site view. Such screening shall be at least 6 feet in height.

J. Screening of Parking: Parking areas shall be screened to a height of 4 feet using landscaping or masonry walls in accordance with relevant provisions of the Codified Ordinances. This requirement alternatively may be met by required mounding and landscaping.

K. Permanent sports field netting shall be prohibited. The required perimeter mounding and landscaping around the zoning district shall be used to provide a barrier between sports fields and the public right-of-way.

L. Screening of Bleachers: All permanent or temporary bleachers or spectator stands for the athletic field(s) shall be completely screened from the public right-of-way.

VIII. Lighting and Utilities:

A. Lighting Plan: A lighting plan shall be submitted with a final development plan application for review by the Planning Commission. Lighting in this zoning district shall be installed and maintained in accordance with the lighting plan that is approved by the Planning Commission.

B. Parking Lot Lighting: All parking lot lighting shall be cut-off type fixtures and down cast. No lighting from this site shall spill onto any adjacent property. Parking lot lighting shall be from a controlled source in order to prevent light from spilling beyond the boundaries of the site. All such lighting shall be of the same light source type and style.

C. Parking Lot Light Poles: All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 18 feet in height.

D. Prohibited Lighting: No permanent colored lights or neon lights shall be used on the exterior of any building. Uplighting of buildings shall be prohibited.

F. Underground Utilities: All new utilities that are installed in this zoning district shall be located underground.

G. Security Lighting: Security lighting, when provided, shall be of a motion-sensor type.

H. Permanent lighting of sports fields shall be permitted, provided that no light spillage shall be permitted onto adjacent properties or rights-of-way. Specifications for light poles and fixtures shall be presented for review and approval as part of a final development plan. Light poles for lighting sports fields shall not exceed 18 feet in height unless otherwise approved as part of a final development plan based on operational needs for the field(s) and a demonstration by the applicant that the increased height will not materially and negatively impact adjacent properties.

IX. Signage:

A. Signage Plan: Final details for all signs shall be submitted with a final development plan application for review by the Planning Commission. Lighting in this zoning district shall be installed and maintained in accordance with the lighting plan that is approved by the Planning Commission.

B. Wall Signs:

1. Primary Wall Signs: One wall sign shall be permitted on the southern-facing elevation of the school building, and one wall sign shall be permitted on one of the eastern-facing elevations of the building. These signs shall identify the school and may include the school's logo.

2. Secondary Wall Signs: Secondary wall signs shall be permitted to identify uses within the building to promote wayfinding. These signs shall be placed where architecturally appropriate (as determined by the Planning Commission as part of its review of a final development plan). The number, sizes, locations, and other specifications for signs shall be subject to the review of the Planning Commission as part of a final development plan. Such signs shall be of a smaller size and installed at a shorter height than other permitted wall signage.

C. Ground Signs: A ground sign shall be permitted at the vehicular access point into the site along New Albany-Condit Road and at the vehicular access point along New Albany Road East.

D. Directional Signs: Directional and wayfinding signage shall be permitted internally within this zoning district as permitted by the Codified Ordinances. The applicant shall provide a plan for designs and locations of such signs for review by the Planning Commission as part of a final development plan application.

X. Miscellaneous:

A. 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 of 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.

B. Variances:

1. 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.

2. 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.

C. ARB Review: Any final development plan for this zoning district shall be reviewed by the City's Architectural Review Board (ARB) in addition to Planning Commission. The ARB shall not review the rezoning application or preliminary development plan application for this zoning district.

SUPPLEMENTARY STATEMENT

CORNERSTONE ACADEMY

I-PUD ZONING DISTRICT

Cornerstone Academy is pleased to present an application to rezone 11.751+/- acres located to the northwest of the intersection of New Albany-Condit Road and New Albany Road East to facilitate the development, construction, and operation of a public charter school. The school will educate students in grades 8-12 and provide learning opportunities as well as sports, arts, music, computer science, and other programming typical of any other school.

An existing Cornerstone Academy elementary school is located on Walnut Street within a few miles to the west of the site that is being zoned. Providing a new facility in close proximity to the existing school will provide efficiencies for the organization and allow for convenient access to both locations for families with children attending both schools. New Albany has been chosen as the location for the new facility due to its exceptional demographics, demand for this type of school, and its proximity to a relatively large base of potential students in the surrounding area.

The site on which the school is proposed is uniquely situated. It would be the second institutional type of use in the area, just down the street from the Canine Companions for Independence campus. To the north is the Nottingham Trace subdivision, which includes a City-owned park that is adjacent to the subject property and provides great synergy with the proposed use. Data centers and other employment-generating uses are to the east and south, and undeveloped land is located to the west. Residential areas are within a short distance of the site, such as the Lifestyle Communities, Upper Clarenton, the Courtyards at New Albany, Wentworth Crossing, and the Enclave. This portion of New Albany continues to see a mix of uses operate and being proposed for development.

In addition to providing an institutional amenity for the City, this project will have a clear economic benefit. It is estimated to create 81 jobs with an annual payroll of \$4.4 million. With the City's 2% income tax rate, this yields \$88,000 per year of income tax revenue prior to factoring inflation. Therefore, it will have the same financial impact to the City as a moderately-sized commercial development.

**CORNERSTONE ACADEMY
I-PUD ZONING DISTRICT**

**Information concerning specific Code requirements for
rezoning submittal by Cornerstone Academy**

Per C.O. 1111.03(g), a statement as to how the proposed zoning amendment will impact adjacent and proximate properties.

Response: The Cornerstone Academy Zoning District consists of 11.751+/- acres located at the northwest corner of the intersection of New Albany Road East and New Albany-Condit Road in New Albany. The subject property is in an area that includes a variety of uses, such as the Nottingham Trace neighborhood to the north and its associated City-owned park, the Canine Companions for Independence campus to the northeast, the Pharma Force facility to the east, and existing and future employment generating development to the west. The rezoning of this property to allow a public charter school facility is a good transitional use given the existing surrounding uses.

Per C.O. 1111.03(i), any deed restrictions, easements, covenants and encumbrances to be imposed to control the use, development and maintenance of the area to be rezoned.

Response: Upon the completion of the zoning for this property and prior to selling the property to any third party, the property will be made subject to The New Albany Business Park CCRs and will become part of The New Albany Business Park Association.

Per C.O. 1159.07(b)(2)(F) The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas.

Response: Development of the site will occur soon after final zoning and development plan approvals are received. Development is expected to occur over a 12-18 month period.

Per C.O. 1159.07(b)(2)(J) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024 of House Bill 231).

Response: No such application is required.

Per C.O. 1159.07(b)(2)(K) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers, in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

Response: No such application is required.



Underhill & Hodge LLC
ATTORNEYS & COUNSELORS AT LAW

Aaron L. Underhill
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

P: 614.395.9321
F: 614.395.9329
aaron@uhlfirm.com

September 21, 2021

Mr. Chris Christian
Deputy Director of Development
City of New Albany
99 W. Main Street
New Albany, Ohio 43054

**RE: School Impact of Zoning of 11.751 +/- Acres Located at 7270 New Albany-
Condit Road, in New Albany, Ohio, by Cornerstone Academy**

Dear Chris:

Cornerstone Academy is in contract to pursuant, from The New Albany Company LLC, certain real property (the "Property") located at 7270 New Albany Condit Road, New Albany, Ohio 43054. This letter accompanies an application to rezone the Property from L-GE, Limited General Employment to I-PUD, Infill Planned Unit Development, to permit a public charter school facility and related improvements. The purpose of this letter is to analyze the impact of this zoning on the New Albany Plain Local School District.

Today the site is undeveloped. While due to its nature as a school it will be exempt from real estate taxation if this application is approved, this project will benefit the NAPLSD in another way. It will provide an alternative school to attend for students who live within the NAPLSD. Therefore, it has the potential to reduce the number of schoolchildren that attend schools in the district, as it is likely that a number of them will choose instead to attend Cornerstone Academy once it is operating on the site. This will have a positive financial impact on the NAPLSD and positively impact any pressure on the district's capacity in its buildings.

The applicant is pleased to bring forth this application and looks forward to working with the City. Please let me know if you have any questions.

Sincerely,

Aaron L. Underhill
Attorney for the Applicant

+ 11112

EXHIBIT "A"
(Page 1 of 1)

Situated in the State of Ohio, County of Franklin, Village of New Albany, Quarter Township 2, Township 2, Range 16, United States Military District, and being out the residuum of that 209.180 acre tract conveyed to The New Albany Company Limited Partnership of record in Official Record 30262D04 and all of that 6.792 acre tract conveyed to The New Albany Company LLC of record in Instrument Number 200801040001997 and described as follows:

Beginning, for reference, at a P.K. nail found at the centerline intersection of New Albany Road East with New Albany - Condit Road (S.R. 605; see Plat Book 91, Page 45) as recorded in Plat Book 86, Page 78;

Thence N 86° 24' 55" W, along said centerline of New Albany Road East, 99.96 feet to a P.K. nail found;

Thence N 03° 35' 05" E, leaving said centerline of New Albany Road East, 50.00 feet to an iron pin set in the north right-of-way line for said New Albany Road East, the True Point of Beginning;

Thence along said north right-of-way line per said Plat Book 86, Page 78, the following courses;

N 86° 24' 55" W, 45.64 feet to an iron pin set at a point of curvature;

with a curve to the left, having a central angle of 26° 45' 29", a radius of 1350.00 feet, and an arc length of 630.47 feet, a chord bearing and chord distance of S 80° 12' 22" W, 624.76 feet to a ¾" iron pipe (EMHT) found at the southwest corner of said 6.792 acre tract, the same being the southeast corner of that 15.735 acre tract conveyed to The New Albany Company LLC of record in Instrument Number 200910010142138;

Thence N 04° 02' 00" E, along the common line to said 6.792 acre and 15.735 acre tracts, 838.62 feet to an iron pin set at a common corner thereof, in the south line of that 4.995 acre tract conveyed to The New Albany Company LLC of record in Instrument Number 200103010041466;

Thence S 85° 58' 00" E, along the common line to said 6.792 acre and 4.995 acre tracts, 656.62 feet to a ¾" iron pipe (EMHT) found the northeast corner of said 6.792 acre tract, the same being the northwest corner of that 0.707 acre tract conveyed to the State of Ohio of record in Instrument Number 199908230213995, in the west right-of-way line for said New Albany - Condit Road;

Thence along the west line of said 0.707 acre tract, the same being said west right-of-way line, the following courses;

S 29° 13' 56" E, 92.76 feet to a ¾" iron pipe (EMHT) found;

S 03° 35' 05" W, 116.47 feet to an iron pin set;

S 16° 19' 37" W, 45.34 feet to an iron pin set;

S 03° 35' 05" W, 400.24 feet to an iron pin set at a point of curvature;

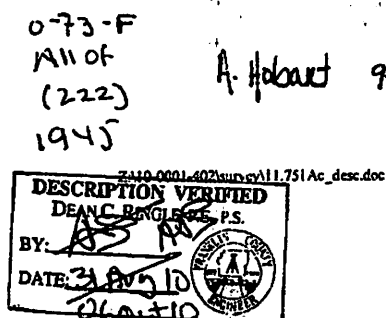
with a curve to the right, having a central angle of 90° 00' 48", a radius of 50.00 feet, and an arc length of 78.55 feet, a chord bearing and chord distance of S 48° 35' 32" W, 70.72 feet to the True Point of Beginning.

Containing 11.751 acres of land, more or less. Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Douglas R. Hock, P.S. 7661 on August 30, 2010 and is based on existing records and an actual field survey performed in August 2010. A drawing of the above description is attached hereto and made a part thereof.

All iron pins set are 3/4" diameter, 30" long iron pipe with plastic cap inscribed "Advanced 7661".

Bearings are based on N 86° 16' 25" W for the south line of that 18.450 acre tract as shown of record in I.N. 200811260171024.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.



ADVANCED CIVIL DESIGN, INC.

[Signature]
Douglas R. Hock, P.S. 7661
8/31/10
9-27-10
A. Hobart

SURVEY OF ACREAGE PARCEL

9-27-10

Village of New Albany, Franklin County, Ohio
Quarter Township 2, Township 2, Range 16, U.S.M.D.

A. Hobart

9-27-10

The New Albany Company LLC
I.N. 200103010041486
4.993 Ac.

A. Hobart

EXHIBIT "B" (Page 1 of 1)

The New Albany Company LLC
I.N. 20010301042103
15.735 Ac.

The New Albany Company LLC
I.N. 200801040001997
6.792 Ac.

11.751 Ac.

(8.792 Ac.)

The New Albany Company
Limited Partnership
O.R. 30282004
Orig. 203.180 Ac.
APN 222-001945

(4.959 Ac.)

State of Ohio
I.N. 199908230213995
0.707 Ac.

L=78.55'
R=50.00'
A=90°00'48"
S48°35'32"W
70.72'

N86°24'55"W
45.64'

N03°35'05"E
50.00'

N86°24'55"W
99.98'

L=630.47'
Δ=28°45'29"
R=1350.00'
S80°12'22"W
624.76'

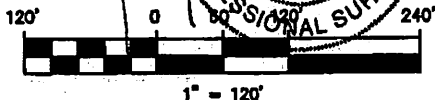
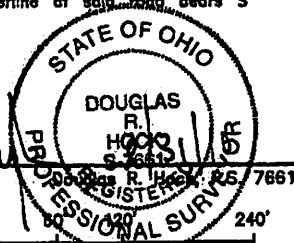
4" I.P.F.
(EMHT)

New Albany Road East (100')
P.B. 88, Pg. 78
R/W

Discover Financial Services, LLC
I.N. 200608180181896

This exhibit is based on existing records and an actual field survey performed in October 2007 and August 2010.

Bearings are based on the same as the plat for a portion of New Albany - Condit Road of record in Plat Book 88, Page 78 in which the centerline of said road bears S 03° 35' 05" W.



Iron pins set are 3/4" diameter iron pipe, 30" long with plastic cap inscribed "Advanced 7661".

- Iron Pipe Found
- Iron Rod Found
- ✕ PK Nail Found
- ▲ RR Spike Found
- Ⓜ Monument Box
- Iron Pin Set
- ✕ PK Nail Set
- △ RR Spike Set
- Ⓜ Monument

Survey Reference: #744

DRAWN BY: JCD

JOB NO.: 10-0001-402

DATE: 08/30/2010

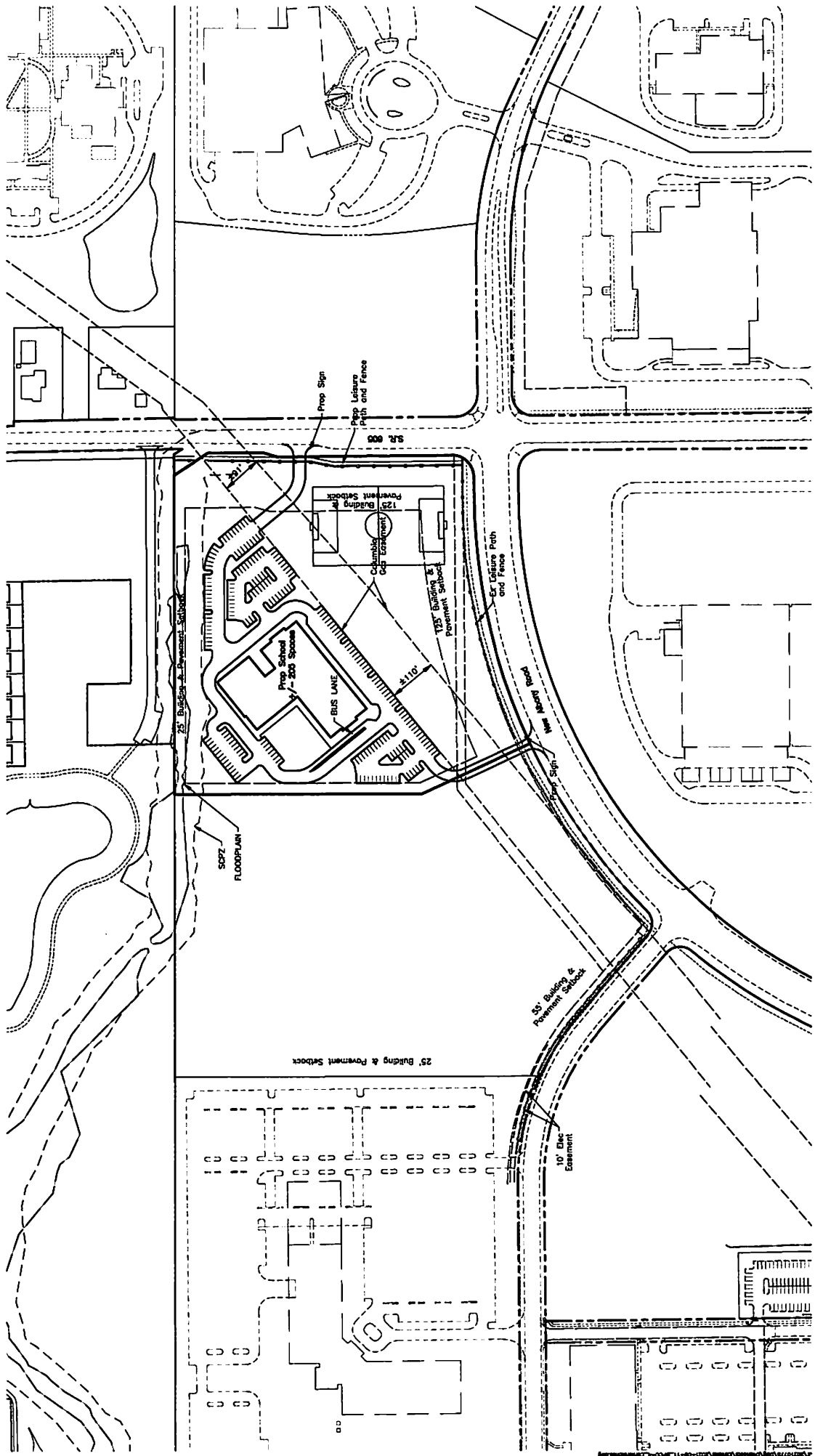
CHECKED BY: DRH

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS

422 Beecher Road
Cahanna, Ohio 43230
ph 614.428.7750
fax 614.428.7755

THE NEW ALBANY COMPANY

Date: August 18, 2021





ORDINANCE O-46-2021

AN ORDINANCE TO ENACT CHAPTER 1154 "TMD TECHNOLOGY MANUFACTURING DISTRICT" OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, the enactment of Chapter 1154 "TMD Technology Manufacturing District" will establish a new commercial zoning district; and

WHEREAS, it has been found that the Codified Ordinances of the City of New Albany need to be amended to enact Chapter 1154, a new chapter; to incorporate typical best practices and development standards established within limitation texts throughout the business park; and

WHEREAS, it has been found that the Codified Ordinances of the City of New Albany, Chapter 1154, is necessary to efficiently address market demands, provide certainty of processes and foster economic growth while protecting the health, safety and welfare of the users of the district and residents of the municipality; and

WHEREAS, the Planning Commission has held a public hearing, received public input and recommended approval of the proposed codified ordinance chapter.

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 Codified Ordinance Chapter 1154 "TMD Technology Manufacturing District" as attached in Exhibit A shall be enacted as requested by the city of New Albany.

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 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 Section 121 of the Ohio Revised Code.

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 _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 11/23/2021

Introduced: 12/07/2021

Revised:

Adopted:

Effective:

CHAPTER 1154 – TMD TECHNOLOGY MANUFACTURING DISTRICT

TABLE OF CONTENTS

1154.01 – CONFLICT
1154.02 – PURPOSE
1154.03 – ELIGIBILITY
1154.04 – PROJECT CATEGORIES
1154.05 – PERMITTED USES
1154.06 – CONDITIONAL USES
1154.07 – ACCESSORY USES
1154.08 – PARCEL AND YARD REQUIREMENTS
1154.09 – DISTRICT LANDSCAPE AND ARCHITECTURE STANDARDS PLAN
1154.10 – FLAGSHIP PROJECT SUBMITTAL CONTENT AND REQUIREMENTS
1154.11 – PERMITTING PROCEDURE FOR FLAGSHIP PROJECTS
1154.12 - STORAGE; HAZARDOUS MATERIALS
1154.13 – ARCHITECTURE
1154.14 – LANDSCAPING
1154.15 – SIGNAGE
1154.16 – LIGHTING
1154.17 – PARKING AND LOADING
1158.18 – VARIANCES AND APPEALS.

1154.01 – CONFLICT

Technology Manufacturing Zoning Districts may be established by application in accordance with Chapter 1111. Once property is designated in the TMD classification, the provisions of this chapter and the requirements contained herein, including the provisions of the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan, which are incorporated by reference (see Section 1154.09), shall take precedence over all other conflicting regulations contained in the Codified Ordinances as it pertains to that property.

1154.02 – PURPOSE

These regulations are established to provide for a range of manufacturing, production, industrial and other employment-generating activity contained within or supporting at least one significant use or user. The TMD is intended to further the economic vitality of the City while protecting the health, safety and welfare of the users of the district and residents of the Municipality. It is also intended to streamline review procedures for new development, redevelopment, and expansions of existing development in order to efficiently address market demands, provide certainty of processes, and foster economic growth.

1154.03 – ELIGIBILITY

In order for property to be eligible to be classified with the TMD designation, it must be included within a zoning application pertaining to a minimum of 500 contiguous acres. Alternatively, a property will be so eligible if, when zoned with the TMD designation, its acreage plus the acreage contained within the continuous perimeter of contiguous property that is already zoned in the TMD classification together will equal at least 500 acres. Properties separated by a public right-of-way shall be considered to be contiguous for purposes of this provision.

Upon a rezoning of property into the TMD zoning classification, it shall be designated as “TMD” on the City’s zoning map. The Director or his/her designee shall determine which of the project categories set forth in Section 1154.04 applies to an application for a permit for construction or improvements for development of property with a TMD classification. The review of the application shall be undertaken using the standards that apply to such category as provided in this Chapter.

1154.04 – PROJECT CATEGORIES

(a) “Flagship Project.” A Flagship Project shall be any development proposal on a single parcel or multiple contiguous parcels containing at least 500 acres which are under common ownership or control by a single person or business entity (and, if applicable, its affiliated persons or business entities). This category also shall include modifications to or expansions of an existing Flagship Project. Properties separated by a public right-of-way shall be considered to be contiguous for purposes of this provision.

(b) “Primary Project.” A Primary Project shall be any development proposal that is not a Flagship Project and which contains, as its primary use, at least one use which is permitted in the TMD.

1154.05 – PERMITTED USES

(a) Any use specified as a permitted use or conditional use in the LI, Limited Industrial District under Section 1153 shall be a permitted use within the TMD, except that personal service (Section 1153.03(b)(2)) and retail product sales and service (Section 1153.03(b)(3)), shall be allowed only as accessory uses to a permitted use in this Zoning District and in accordance with Section 1154.07(a).

(b) A park-and-ride facility providing daily parking as the principle use which may include accessory shelters for mass transit passengers or carpooling that typically includes parking lots and associated structures located along or near public transit routes.

(c) Off-site parking

(d) Parking structures

(e) Agriculture

(f) Bulk storage tanks, pads and distribution consisting of tanks, containers, and other similar structures used for the storage and eventual distribution of large quantities of liquids, chemicals, fuels, oils, or similar items to be used in, or are a waste byproduct of, manufacturing processes. Bulk storage tanks and pads may be located above ground and/or below ground, provided that above ground storage tanks and pads shall be subject to the required minimum building setbacks as provided in this Chapter 1154;

(g) Essential services which for purposes of this Chapter 1154 shall mean the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare.

(h) Water/wastewater treatment facilities consisting of private or public facilities and related infrastructure for the treatment of water and/or wastewater that serve a Flagship Project and are intended to and have projected capacity also to serve one or more Primary Projects. These facilities shall be required to utilize processes and infrastructure that provide environmental benefits such as (but not limited to) conservation, reduction of pollution, and reuse of water.

(i) Bulk gas yards including generation, storage, and distribution that consists of facilities for the creation, manufacturing, production, and distribution of bulk gases used in electronics manufacturing and other industries. Such facilities are necessary in order to scale such production and distribution and to reduce costs, ensure adequate supplies to nearby uses, and achieve consistent purity of product. Typical components of these facilities may include compressors, water cooling plants, pre-purification units, and bulk tanks for storage, among others.

(j) Electric Switch Yards

(k) Concrete batch plants within a Flagship Project. These include the operation of a combination of equipment within and/or outside of a structure which bring together water, air, cementitious mixtures, and other aggregate materials to produce concrete for different application types, with the primary purpose of serving uses and users within the TMD.

(l) Solar panels that are ground-mounted, on structures or over paved parking areas.

(m) Truck cell phone lots. Characterized as short-term parking lots that are designated primarily for use by commercial trucks with drivers waiting to be alerted by cell phone or other means to pick up or drop off freight, supplies, and/or other materials and which may be used for overnight truck parking. Drivers of other vehicles also shall be permitted to use these lots. For purposes of this definition, the term "truck" shall include, but not be limited to: Semi-trailers, flatbeds, tankers, step deck trucks, box freight trucks, dump trucks, slinger trucks, tipper trucks, and cement trucks. These types of lots shall be paved if located within 300 feet of a public street right-of-way. Otherwise, they may be gravel, provided that (i) measures are taken to eliminate the migration of dust from the lot off-site and (ii) a wheel wash is provided for trucks when leaving a lot where wet or muddy conditions are present.

(n) Similar uses, as provided in Section 1127.02(e), except that in the TMD, the Community Development Director or his/her designee shall be responsible for making this determination.

1154.06 – CONDITIONAL USES

Concrete batch plants located within a Primary Project shall be conditional uses within the TMD. The Planning Commission shall review these uses in accordance with the procedures and standards contained within Chapter 1115. In addition, in order to approve a concrete batch plant as a conditional

use within a Primary Project, the Planning Commission must determine that the operation of the use will not materially negatively impact the operations, safety, or viability of any existing uses within a Flagship Project. No concrete batch plants located within 1,500 feet of any perimeter boundary of a Flagship Project shall be reviewed by the Planning Commission unless all owners of real property within the Flagship Project have been provided with written notice of the date, time, and location of the hearing on the conditional use application at least 15 days prior to the date of the hearing. The approval of a conditional use pursuant to this Section 1154.06 shall be effective through the fourth anniversary of the date of the Planning Commission's order to approve the same. The operation of a concrete batch plant beyond this time shall require the filing, review, and approval of an additional conditional use application which, if approved, also shall be effective for a period of four years.

1154.07 – ACCESSORY USES

(a) Personal service and retail product sales and services.

(1) Characteristics. These uses involve the sale, leasing, or rental of products or goods by the property owner or tenant on a property, their affiliates, or third parties unrelated to the owner or tenant. They also include the provision of on-site product repair or services for consumer and business goods and/or on-site personal services or entertainment. Goods are displayed and sold on-site, and use or consumption is primarily on-site. Uses in this category are not permitted to be provided to the general public, but shall be provided to employees, contractors, and business visitors of the particular Flagship Project or Primary Project which they serve.

(2) Examples. Examples include but are not limited to Dry cleaning, Restaurants (without drive-throughs) and cafeterias, Medical, eye, and dental clinics, Pharmacies, Fitness centers (indoor and outdoor), Child day cares, Banks/credit unions.

(b) Private or public security facilities

(c) Security check points and gate houses

(d) Public or private bus and shuttle transit stops

(e) Satellite dishes

(f) Wireless telecommunications facilities

1154.08 – PARCEL AND YARD REQUIREMENTS. The following requirements shall apply in the TMD to the exclusion of those found in Chapter 1165:

(a) Minimum Parcel Area. There shall be a minimum parcel area of 15 acres for Flagship Projects and a minimum parcel area of 5 acres for Primary Projects.

(b) Parcel Frontage. All parcels shall abut a public street, or may instead abut a private drive if either (i) an adjacent parcel or parcels is under common ownership and has frontage on a public street, or (ii) a legally binding perpetual vehicular access easement over adjacent property(ies) that are not under common ownership is placed of record with the office of the recorder in the county in which

the parcel is located or will be of record prior to the issuance of a Planning and Design Permit for that parcel, as contemplated in Section 1154.10.

(c) Parcel Width. All parcels shall have adequate width to provide for yards and distances as required by this Chapter.

(d) Setbacks from Public Rights-of-Way. The following minimum setbacks shall apply to developments that are adjacent to public rights-of-way:

(1) Principal Arterial Streets. Minimum 300 feet for pavement and 500 feet for buildings from the rights-of-way of Principal Arterial Streets, as identified in the City's Strategic Plan. A mound that is a minimum of 6 feet in height and a maximum of 8 feet in height shall be provided within the required minimum pavement setback. Notwithstanding the foregoing, (A) the minimum pavement setback shall be reduced to 200 feet and the minimum building setback shall be reduced to 400 feet provided that a mound that is a minimum of 10 feet in height and a maximum of 12 feet in height is provided within the required minimum pavement setback, and (B) the minimum pavement setback shall be reduced to 100 feet and the minimum building setback shall be reduced to 300 feet provided that a mound that is a minimum of 13 feet in height and a maximum of 15 feet in height is provided within the required minimum pavement setback. All mounds shall include plantings as detailed in the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan that is contemplated in Section 1154.09. The mounding requirements of this subsection may be waived by the Community Development Director or his/her designee where existing tree stands or forested areas achieve similar or better screening as would be present with the mounding. Accessory structures such as security facilities, gate houses, security checkpoints, solar panels, and bus and shuttle transit stops and related improvements may be located as close as 100 feet of the rights-of-way for Principal Arterial Streets and to the front or rear of required mounding.

(2) Major Collector, Other Public Streets, and Front Yards. Minimum 25 feet pavement and 50 feet building setbacks from (A) all rights-of-way other than those containing or planned to contain Principal Arterial Streets and (B) from any front property line that does not abut a public street right-of-way.

(3) Construction Site Setup. For Flagship Projects, during any phases of construction there shall be a minimum 150 foot setback for pavement, material laydown and storage tanks and a minimum 200 foot setback for trailers, structures, buildings, and related items necessary for the construction of improvements. All construction site setup areas within Flagship Projects shall be screened so that they are not visible from adjacent public street rights-of-way.

(e) Side and Rear Yards. The required minimum setbacks from side and rear parcel lines which are not contiguous with a public street right-of-way shall be 25 feet for buildings, structures, service areas, loading areas, and paved parking areas.

(f) Residential Setbacks. Subject to the requirements in Section 1154.14(b), there shall be a one hundred (100)-foot building and pavement setback from any district where residences are a permitted use and when the requirements of Section 1154.08(d)(1) do not apply, provided, however,

that if a building will exceed 65 feet in height, the minimum required building setback shall be 300 feet. The setback requirements in the immediately preceding sentence shall not apply when (i) the property located within the district where residences are a permitted use is under common ownership with the relevant property or (ii) the owner(s) of the property or properties that are protected by this minimum setback requirement sign an affidavit that waives this requirement, which shall be filed with the City. If two contiguous properties have an intervening public street between them, they shall be considered to be abutting.

(g) Interior Setbacks. There shall be a zero minimum building and pavement setback requirement from interior parcel lines when the parcels on each side of a parcel line are under common ownership.

(h) Riparian Corridors. Development in the TMD shall comply with the provisions of Chapter 1155 unless expressly provided in this subsection (h). All streams with a drainage area greater than fifty (50) acres and their riparian corridors shall be preserved. The corridor width shall be a minimum of one hundred (100) feet, with at least twenty-five (25) feet on each side of the centerline of the stream. No pavement, structures, or other impermeable surfaces or improvements shall be permitted in riparian corridors, except for paved leisure trails, benches, and bridges. New vegetation shall be permitted to be planted within these corridors.

(i) Maximum Parcel Coverage. There shall be a maximum impervious parcel coverage of 85% on parcels containing Flagship Projects and 75% on parcels containing Primary Projects.

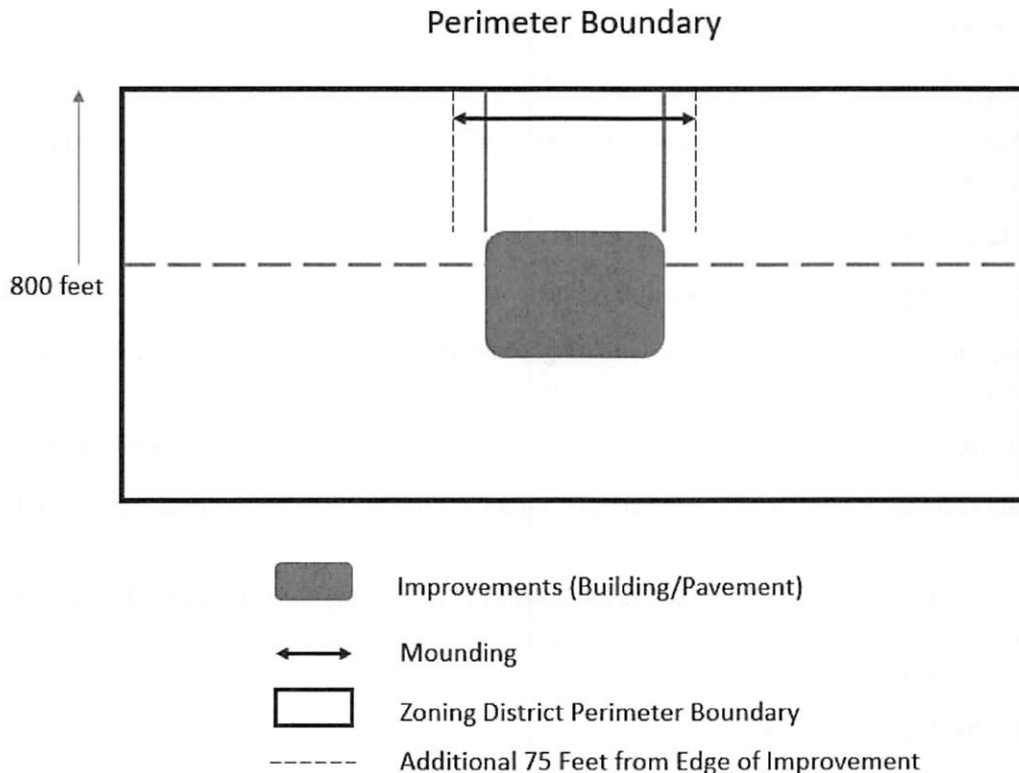
(j) Connectivity. Leisure trails shall be provided in accordance with the requirements in the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan which is referenced in Section 1154.08. The requirements of Section 1165.06 shall not apply in the TMD.

(k) Public Streets. The developer shall dedicate property to the City or other relevant political subdivision as necessary to provide a minimum of 100 feet of right-of-way for Principal Arterial Streets or Major Collector Streets, provided, however, that the minimum required right-of-way to be dedicated to the City or other political subdivision for a Major Collector Street may be reduced to 80 feet if approved by the City Engineer. For public street typologies other than Principal Arterial Streets or Major Collector Streets, the developer shall dedicate property to the City or other relevant political subdivision as necessary to provide a minimum of 60 feet of right-of-way. The property owner shall grant easements to the City which are adjacent to the aforementioned rights-of-way to the minimum extent necessary to provide for the installation and maintenance of streetscape improvements and/or utilities.

1154.09 – DISTRICT LANDSCAPE AND ARCHITECTURE STANDARDS PLAN

(a) There is hereby adopted, and incorporated by reference, the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan, as if set out at length herein. The New Albany Technology Manufacturing District Landscape and Architecture Standards Plan is meant to minimize references to other sections of the Planning and Zoning Code. The requirements contained therein shall take precedence over and supersede all other regulations contained in the Codified Ordinances, other than those contained in this Chapter 1154. Without limiting the foregoing, the buffering and screening requirements of Section 1171.05 and 1171.06 shall not be required and Chapter 1175 shall not apply to the TMD.

(b) Phasing of Screening: Required mounding and landscaping as required by the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan shall be installed along the entirety of public street frontages and Residential Property (defined in to 1154.14(b)) lines abutting the TMD concurrent with building construction unless construction of multiple buildings is phased, in which case required mounding and landscaping may be installed in phases. For each phase of development in the TMD, such required mounding and landscaping shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or above-ground equipment or utility infrastructure, once constructed within that phase, will be located within 800 feet of the relevant perimeter boundary line. At a minimum for each phase, this mounding and landscaping shall be installed along the portion of the relevant perimeter boundary line of the relevant property between two points which are determined by extending two straight lines from the perimeter boundary line of the property to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:



1154.10 –SUBMITTAL CONTENT AND REQUIREMENTS

(a) A Planning and Design Permit is required for Flagship Projects and Primary Projects for any of the following:

- (1) Construction or structural alteration of any building, including accessory buildings, paved areas, and site improvements other than landscaping that are visible in whole or in part from

the public right-of-way. For purposes of this Chapter 1154, (A) a building or accessory building shall be deemed to be “visible” if its first or second floor can be viewed from any public street right-of-way at a height of 6 feet above the grade of any portion of that right-of-way, and (b) paved areas and site improvements other than landscaping shall be deemed to be “visible” if they are located within 500 feet of a public street right-of-way and can be seen from that public street right-of-way at a height of 6 feet above the grade of any portion of that right-of-way.

(2) Change in use of an existing building or accessory building.

(b) At a minimum, an application for a Planning and Design Review Permit shall contain the following information in text or map form for the construction or structural alteration of any building, including accessory buildings, and/or other site improvements that are visible in whole or in part from the public right-of-way:

(1) Completed Planning and Design Permit Application;

(2) Memorandum of Understanding (MOU) for a traffic analysis detailing the potential impact of vehicular traffic to be generated from the proposed project unless the City waives this requirement;

(3) Dimensioned Site plan showing location of proposed improvements;

(4) Architectural renderings indicating building height, material, color palette and screening designs for each building façade;

(5) Master landscaping and grading plans including streetscape;

(6) Tree preservation plan where applicable;

(7) Sign plans indicating illustrations with height and area dimensions, lighting, dimensioned location on the site, materials, and colors; and

(8) Number and dimensions of existing and proposed off-street parking and/or loading spaces.

(c) Zoning Permits, as contemplated in Sections 1109.02 through 1109.09, shall not be required in the TMD.

(d) Any property zoned in the TMD classification shall not be considered to be located within the Architectural Review District as contemplated in Chapter 1157 and shall be exempt from all requirements contained in that Chapter.

1154.11 –PERMITTING PROCEDURE

(a) The developer of a Flagship Project or Primary Project shall submit separate application submittals for independent review by each respective discipline:

(1) Planning and Design Permit Application

(2) Engineering Application.

(3) Commercial Building Permit Application

(b) The applicant shall have the option of filing the Planning and Design, engineering, and building permits as full or phased submittals. Under the phased plan review process, projects for construction may be broken into one or more phases for construction permits and work.

(c) The applications for Planning and Design, engineering, and building permits shall be made on such forms as prescribed by the staff of the City of New Albany along with such plans, drawings, specifications and other materials as required by this Chapter 1154 and as otherwise may be needed by staff.

(d) Once the submittal has been made, the materials for each permit type shall be reviewed by relevant City departments for compliance with this Chapter 1154, the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan, uses, the submittal requirement checklists and all applicable codes and ordinances.

1154.12 - STORAGE; HAZARDOUS MATERIALS

(a) Outdoor Storage. Outdoor storage of materials, equipment, and supplies shall be permitted. Outdoor storage areas for these items are not required to be screened if they are located so that they are not visible from a public street right-of-way or from ground level at a distance of 200 feet from any perimeter boundary line of a parcel that is not under common ownership. Otherwise, such outdoor storage areas shall be fully screened to a height of 8 feet. Outdoor storage areas (whether screened or unscreened) shall comply with minimum setback requirements for pavement.

(b) Hazardous Materials. Due to the nature of the permitted uses in the TMD, hazardous waste and materials storage and processing is anticipated. When such storage and/or processing are operated:

(1) The nature of the storage and processing shall be described in a detailed written statement that shall be submitted as part of an application for a Zoning Permit. This statement also shall provide details regarding the safety measures and protocols that are proposed to prevent the migration of any hazardous materials outside of designated containment areas and procedures that will be implemented upon the occurrence of an event that does or has the potential to damage the environment, persons, or property. This information shall be provided so that relevant City departments and public safety providers will have notice of the presence of these storage and processing operations.

(2) All such storage and/or processing shall comply in all respects with state and federal law and regulations, and shall not be undertaken until such time as all necessary state and federal permits are received and copies of the same are provided to the City.

(3) No such storage and/or processing shall occur within the greater of (A) 200 feet of any perimeter boundary of a parcel that is not under common ownership and (b) an otherwise applicable minimum building setback.

(4) If such storage or processing is undertaken outside of a structure, then all exterior areas where these activities are occurring shall be surrounded by a masonry wall that is at least 10 feet in height, but only if they are wholly or partially visible in whole or in part from a public street right-of-way. Building facades may be used to meet this requirement. Any gates or doors

shall include enhanced security features to ensure that unauthorized individuals cannot gain access to the area.

1154.13 – ARCHITECTURE

(a) Flagship Projects. Flagship Projects shall not be subject to the requirements of the DGRs, provided that such projects meet the requirements of the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan.

(b) Primary Projects. The requirements of this Section 1154.13(b) shall apply only to Primary Projects:

(1) General Regulations for all Primary Projects

A. Service and Loading Areas: Service areas and loading docks shall be screened to limit visibility from off-site.

B. Building designs shall not mix architectural elements or ornamentation from different styles.

C. Buildings shall be required to employ a comparable use of materials on all elevations.

D. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

E. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

F. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

G. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

H. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure, if they are visible from a public street right-of-way. Fenestration themes that employ windows, panels

and piers that are consistent with the architectural vocabulary of the building are encouraged.

I. Roof-Mounted Equipment. 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. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment.

J. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

K. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

L. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, along with contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. The use of reflective or mirrored glass shall be prohibited.

M. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by a tenants or persons on a regular basis may be constructed using pre-engineered metal.

N. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).

O. 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.

P. Buildings and structure shall be designed to be harmonious in character to other buildings and structures within the same Flagship project or Primary Project, as applicable. Façade colors shall be coordinated to complement each other.

(2) Additional Standards for Non-Office Buildings within Primary Projects: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of data

centers, manufacturing, warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in the TMD.

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 appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings 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 provided that the spirit and intent of these provisions are met.

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:

A. 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.

B. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. 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.

C. 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.

D. 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.

E. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

F. Utility yards, essential service areas, bulk storage areas and similar may be paved or gravel. HVAC, generators and similar equipment and associated gravel or concrete yards or pads shall be located subject to the minimum building setbacks.

1154.14 – LANDSCAPING

(a) Tree Preservation Zones shall be established within areas that will be preserved pursuant to applicable federal and state permits and determinations once they are approved and issued by the Ohio Environmental Protection Agency and the U.S. Army Corps of Engineers. These Preservation Areas shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Preservation Zones may be removed if they present a potential danger to persons or property. Preservation Zones shall not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. The final boundaries of the Preservation Zones shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time.

(b) Residential Buffering. For all perimeter boundaries where the minimum setbacks set forth in Section 1154.08(f) apply and which are not adjacent to a Principal Arterial Street (any real property meeting either of the foregoing criteria to be referred to herein as “Residential Property”), a minimum ten (10)-foot high mound shall be installed along the property line which shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of fourteen (14) feet above the top of the mound. The plan for these areas must be reviewed and approved by the City’s Landscape Architect. In areas where existing tree stands or forested areas are present, the City’s Landscape Architect shall not require such mounding and landscaping where the height and opacity requirements can be met by preserving and/or supplementing the tree stands or forested areas.

1154.15 – SIGNAGE

(a) All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany unless otherwise included in the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan.

(b) Flagship Project Address and Directional Signs. The quantity, locations, and area dimensions of address, directional and wayfinding signage internal to Flagship Projects and not visible from a public street right-of-way shall be permitted without any City permits based on the needs of the project to ensure safe flow of pedestrian and vehicular traffic.

(c) Signage as required by other local, state, and federal governmental agencies and regulations shall be permitted by-right.

1154.16 – LIGHTING

(a) All parking lot and private drive 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. All parking lot and private drive lighting shall be of the same light source type and style. All light poles within parking lots and along private drives shall be black or New Albany green and constructed of metal. Light

poles shall not exceed 30 feet in height, except that light poles located within 300 feet of properties where residential uses exist or are permitted shall be no more than 18 feet in height

(b) No permanent colored lights or neon lights shall be used on the exterior of any building.

(c) All lighting standards and requirements which are not addressed in this Chapter 1154 shall be in accordance with other applicable provisions of the Codified Ordinances.

(d) Public street lighting must meet the City standards and specifications.

(e) No light spillage onto properties which are adjacent to property which is zoned in the TMD classification shall be permitted from lighting sources within the TMD.

1154.17 – PARKING AND LOADING

(a) Flagship Projects shall not have any requirement to provide a minimum or maximum amount of vehicular parking spaces or loading spaces. Drive aisles, parking space, and loading space quantity and dimensions shall conform to the standards set forth in the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan.

(b) Primary Projects shall conform to the standards set forth in Chapter 1167 of the Codified Ordinances of the City of New Albany.

1154.18 – VARIANCES, WAIVERS, AND DEVIATIONS

(a) Variances. Variances from the requirements of this Chapter 1154 or any other applicable provision of the Zoning Ordinance may be requested by an applicant with property that is zoned in the TMD classification. The Planning Commission shall hear and decide variance requests for property within the TMD. Any such variance shall be reviewed in accordance with the criteria, standards, and procedures set forth in Chapter 1113. Waivers or deviations from the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan shall not be considered to be variances, and instead shall be reviewed in accordance with Section 1154.18(b).

(b) Waivers and Deviations. The Community Development Director or his/her designee shall decide requests for waivers or deviations from the requirements of the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan in conjunction with review of a Planning and Design Permit application, and such requests shall not be deemed to be variances. A waiver or deviation shall be approved if the Community Development Director or his/her designee finds:

- a. The proposed waiver or deviation will result in a condition that is equal to or better than the condition or standard which was intended to be achieved by the strict application of the standard for which the request is made; and
- b. The proposal will not cause adverse impacts to surrounding areas, or if such impacts may occur, they are reasonably mitigated.

LANDSCAPE DESIGN STANDARDS

November 2021

NEW ALBANY TECHNOLOGY MANUFACTURING DISTRICT

INTENT OF THE TECHNOLOGY MANUFACTURING DISTRICT LANDSCAPE DESIGN STANDARDS

- **Preserve and refine the rural character of the district along important transportation corridors**
- **Provide design guidelines and principles for the district through which proposed development within the district can be evaluated**
- **Define district roadway character and typologies**
- **Create a district greenway network through appropriately scaled and designed setbacks and development site edge conditions**

EXECUTIVE SUMMARY

The Central Ohio landscape character is rooted in a rural and agrarian heritage. Preservation of this character along major street frontages is the guiding principle of this document, while facilitating development of properties in a manner that seeks to extend the success of the Business Park.

Drawing upon that inspiration, landscape elements in these standards include drainage swales, lanes, bridges, hedgerows, native tree massings, broad earthen berms, and meadow expanses. The intent of this "big" landscape is to ground and appropriately scale the large buildings planned for this district.

The Landscape Design Standards for the New Albany Technology Manufacturing District is an extension of Chapter 1154 - TMD Technology Manufacturing District zoning. Specific standards in this document are intended to supplement the requirements of Chapter 1154.

INDEX OF SHEETS

ROADWAY TYPOLOGIES & SETBACKS

FIGURES 1-2
PRINCIPAL ARTERIAL ROADWAY SECTIONS

FIGURES 3-4
MAJOR COLLECTOR ROADWAY SECTIONS

DESIGN GUIDELINES - PRIMARY ROAD

FIGURE 5
PRIMARY ROADWAYS - SWALE & BERM
GRADING

FIGURE 6
PRIMARY ROADWAYS - SWALE & BERM
PLANTING

FIGURE 7
PRIMARY ROADWAYS - DETENTION POND
PLANTING & GRADING

FIGURE 8
PRIMARY ROADWAYS - RAIL FENCE &
LEISURE PATH

FIGURE 9
PRIMARY ROADWAYS - SIGNAGE & STREET
LIGHTING

FIGURE 10
PRIMARY ROADWAYS - STREET TREE &
STREET LIGHT SPACING

DESIGN GUIDELINES - DEVELOPMENT SITE

FIGURE 11
DEVELOPMENT SITE - PRIMARY ENTRY DRIVE

FIGURE 12
DEVELOPMENT SITE - BRIDGE AT ENTRY
DRIVE

FIGURE 13
DEVELOPMENT SITE - ENTRANCE SIGNAGE

FIGURE 14
DEVELOPMENT SITE - INTERIOR PROPERTY
SIGNAGE

FIGURE 15
DEVELOPMENT SITE - FRONT YARD PLANTING

FIGURE 16
DEVELOPMENT SITE - HEDGEROW PLANTING

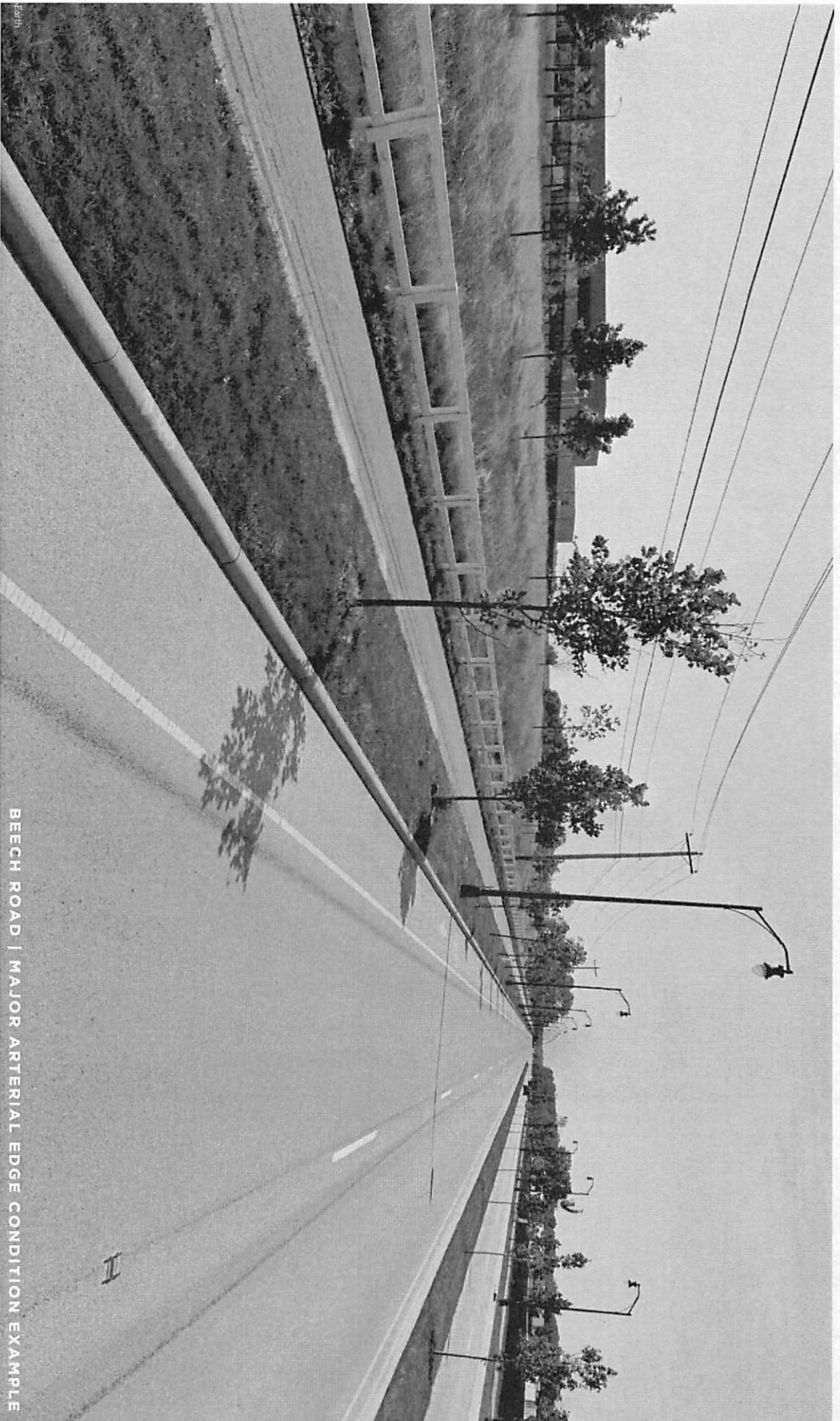
FIGURE 17
17A: PRIMARY DEVELOPMENT SITE -
PARKING LOT PLANTING

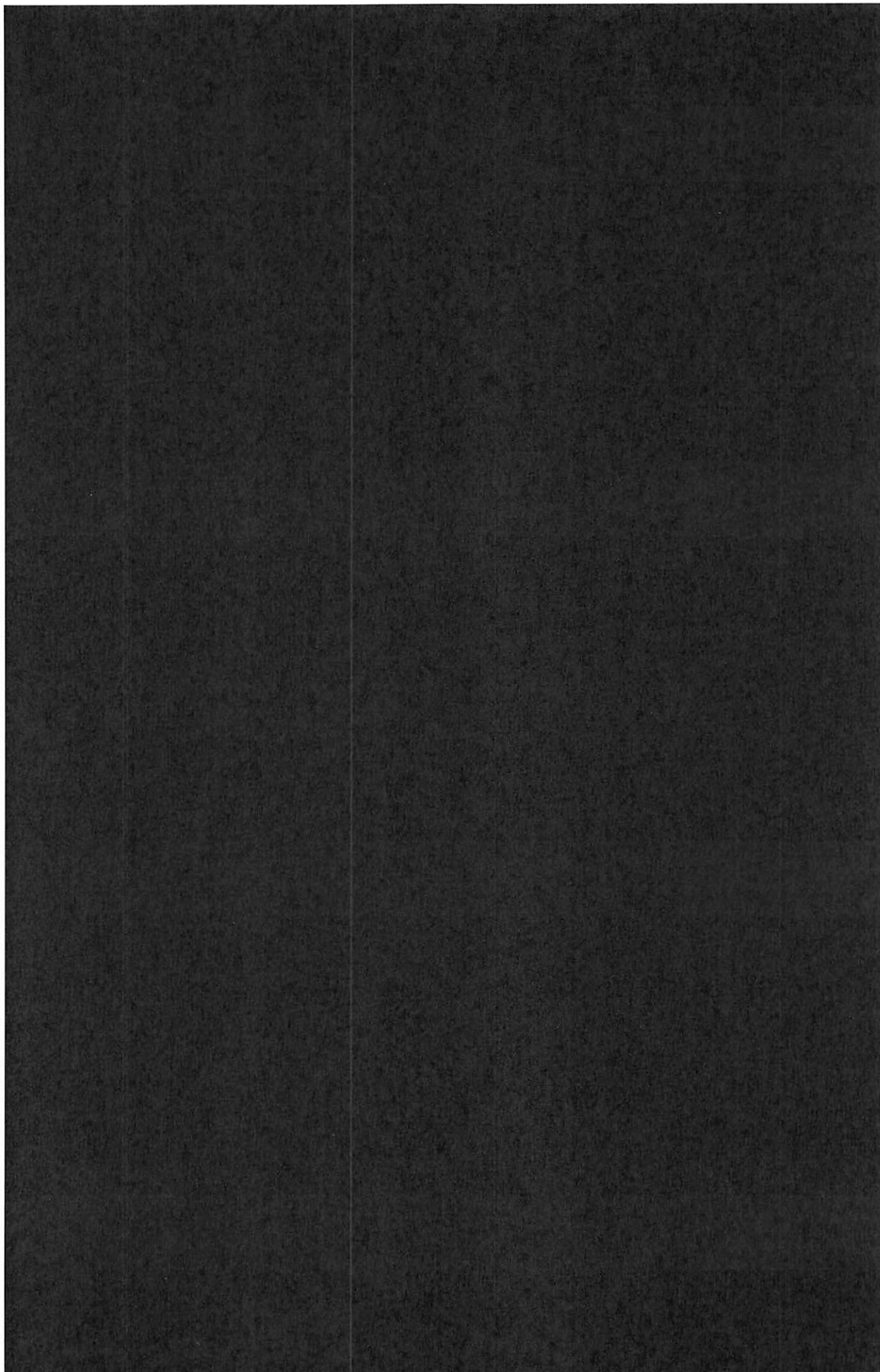
17B: FLAGSHIP DEVELOPMENT SITE -
PARKING LOT PLANTING

FIGURE 18
DEVELOPMENT SITE - PLANTING GUIDELINES

FIGURE 19
MAINTENANCE

FIGURE 20
ARCHITECTURAL STANDARDS





DISTRICT FRAMEWORK & LANDSCAPE DESIGN STANDARDS

November 2021

NEW ALBANY TECHNOLOGY MANUFACTURING DISTRICT

ROADWAY TYPOLOGIES & SETBACKS

ROADWAY TYPOLOGIES & SETBACKS

The following roadway typologies and setback standards provide a framework for the New Albany Technology Manufacturing District (TMD). This framework is supported by standards and recommendations for leisure trails, natural features, and a greenway edge network.

Roadway Typologies

Two primary roadway typologies will be found within the New Albany Technology Manufacturing District: Principal Arterial and Major Collector.

Figures 1 and 2 depict a typical roadway condition for the Principal Arterial typology. Figure 1 is the preferred condition for Principal Arterial roadways.

As the Technology Manufacturing District develops over time new roadways will be needed to support future users, and modifications to existing roadways may be required. The Major Collector roadway typology may be assigned to existing roadways within the district or to new roadways. New minor roadways built within the district shall also be classified as Major Collectors. New roadways bordered on both sides by TMD users, and intended to serve those users (truck traffic) shall be classified as Minor Collectors.

Figures 3 and 4 depict a typical roadway condition for Major Collectors. The specific number of lanes will be determined per roadway based on a future traffic study.

Setbacks

Setbacks along Principal Arterial roadways

will be generous in order to maintain a rural character. The required setbacks will vary based on the placement and height of required mounding and plantings. Chapter 1154 of the Codified Ordinances provides detailed objective standards and requirements for setbacks from Principal Arterial roadways and other streets and perimeter property boundaries, and should be referenced in addition to this document.

Leisure Trails

As an extension of existing and planned New Albany leisure trails, Leisure trails shall be provided within the Technology Manufacturing District.

Principal Arterial roadway typologies should incorporate leisure trails within the ROW on the side of the roadway bordering the district.

At the discretion of the City and based on engineering traffic studies, new roadways within the district may incorporate leisure trails within the ROW on one or both side of the street.

Specific layout/location of leisure trails is illustrated in Figures 1-4.

Roadway Typology Standards

Principal Arterial

Roadway Typology: Refer to Figures 4 & 5

Setback: 500 Feet (Building) & 300 Feet (Pavement)

Mounding: 6-10' Height (Refer to Figures 9 & 10)

Landscaping: Berms shall have a simple mix of meadow & tree groupings placed in massings at 30 trees per 100 linear feet. The intent is to provide 75% opacity screening. (Refer to Figures 10 & 11)

Major Collector (TMD on both sides of street)

Roadway Typology: Refer to Figures 6 & 7

Setback: 50 Feet (Building) & 25 Feet (Pavement)

Landscaping: Setback shall have a simple mix of meadow & tree groupings placed in massings at 10 trees per 100 linear feet. The intent is to provide 40% opacity screening.

Major Collector (TMD on one side of street & residential on one side of street)

Roadway Typology: Refer to Figures 6 & 7

Setback: 200 Feet (Building) & 100 Feet (Pavement)

Mounding: 10' Height (Refer to Figures 9 & 10)

Landscaping: Berms shall have a simple mix of meadow & tree groupings placed in massings at 30 trees per 100 linear feet. The intent is to provide 75% opacity screening. (Refer to Figures 10 & 11)

Natural Features and Greenway Edge Network

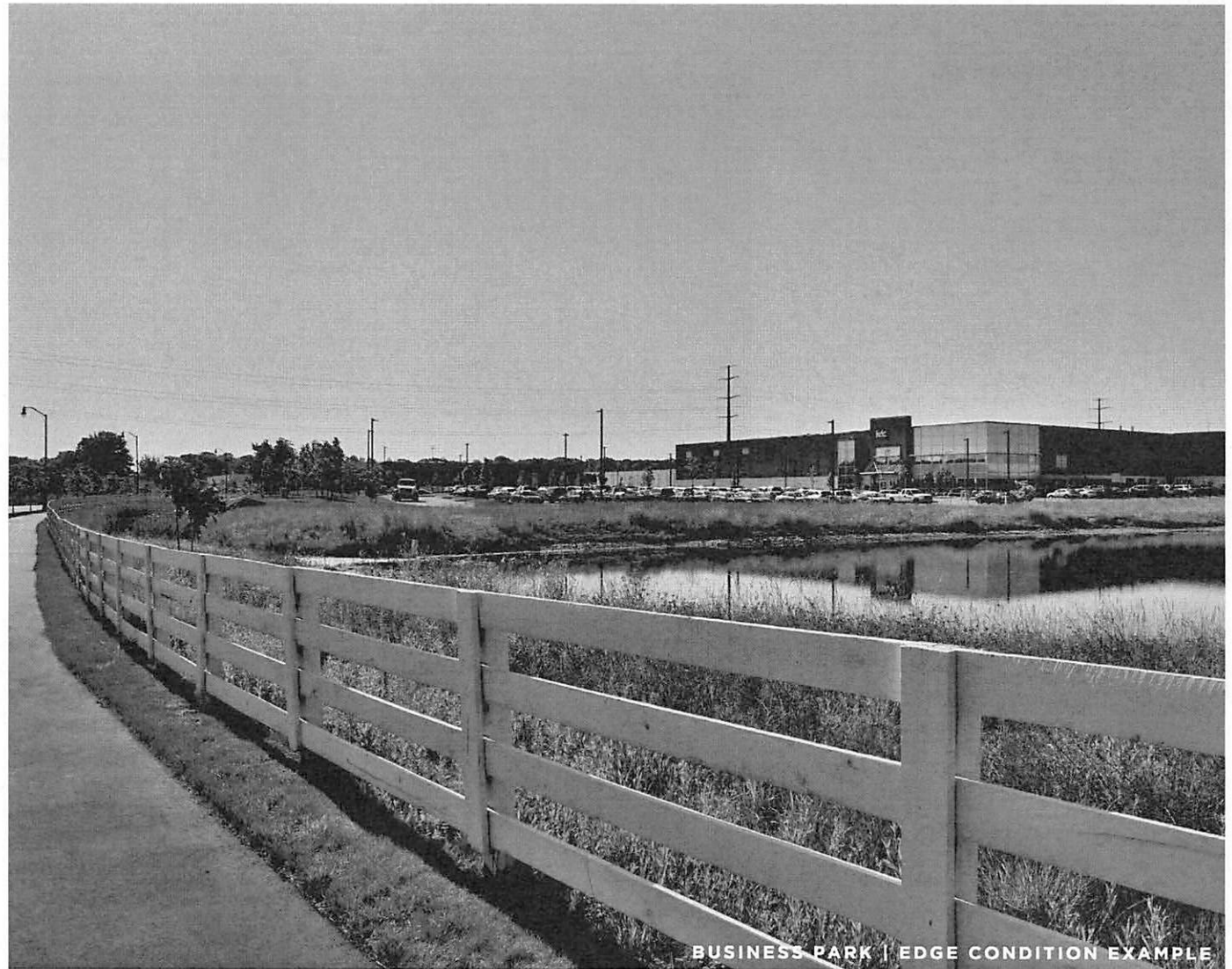
Large tree massings, tree stands, and established stream corridors may exist within the Technology Manufacturing District. Whenever possible, natural features should be incorporated into future development. All necessary governmental approvals shall be followed when a riparian corridor will be impacted.

In alignment with existing New Albany design standards, and with the possibility of natural features being relocated or removed within a Flagship Project Site, a greenway edge network shall be established in the district. This greenway corridor will occur within the required setbacks within each development site, and align with the landscape design standards.

If existing trees are located within any perimeter area, mounding may be omitted and the existing trees may be utilized to achieve the required screening. Total amount of required screening will still be applicable and, therefore, additional landscape plantings may be necessary to meet the stated requirements.

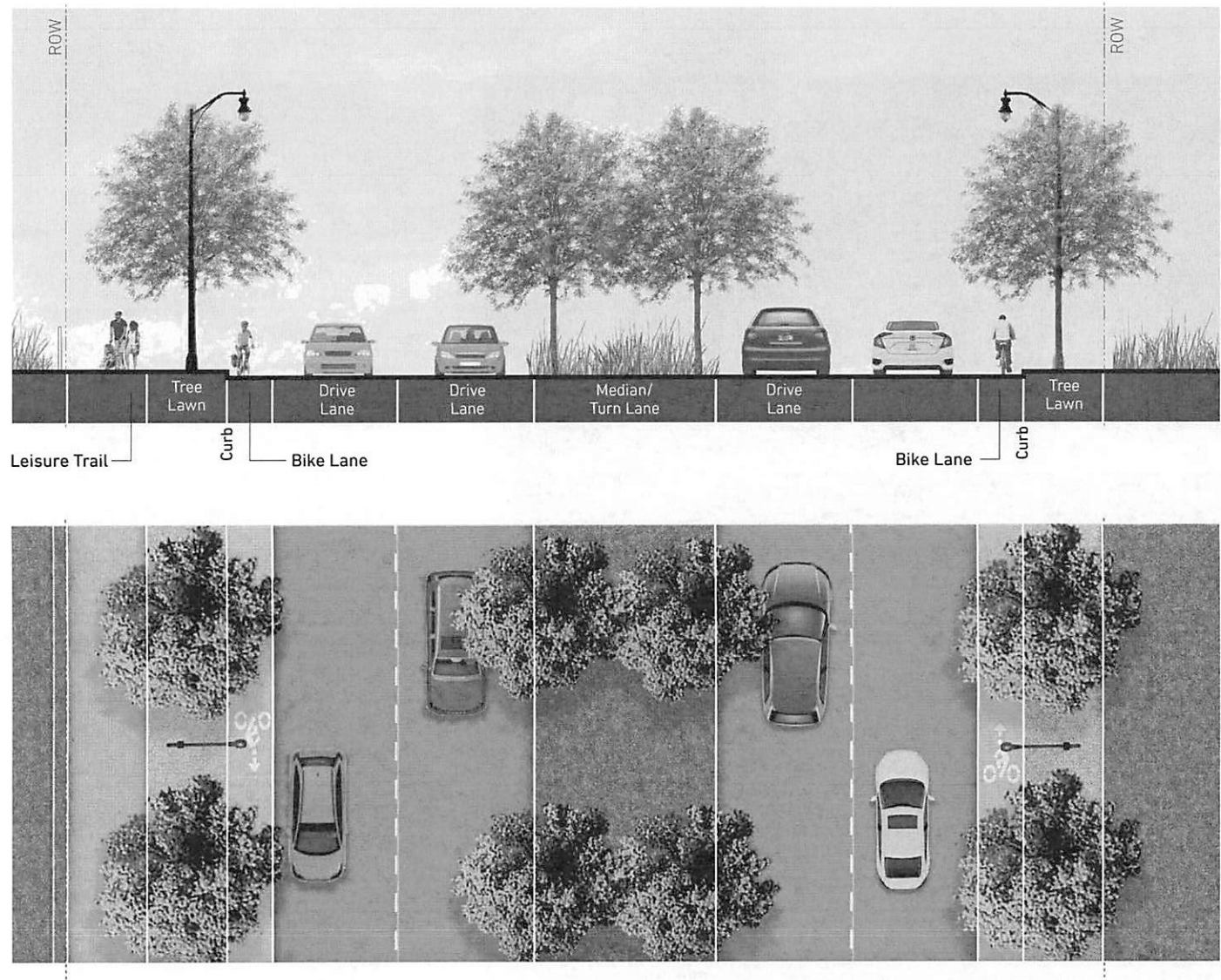
Additionally, required mounds shall be installed within the pavement setbacks, except where a detention pond is used as a gateway feature and is located within the setback area. In this case the required mounding and landscaping shall be installed between the detention pond and any impervious site components. Breaks in, and/or tapering of mounding may occur at vehicular or pedestrian access points, subject to approval of the City's Landscape Architect.

Development within the TMD shall comply with the provisions of Chapter 1155 in the city zoning ordinance.



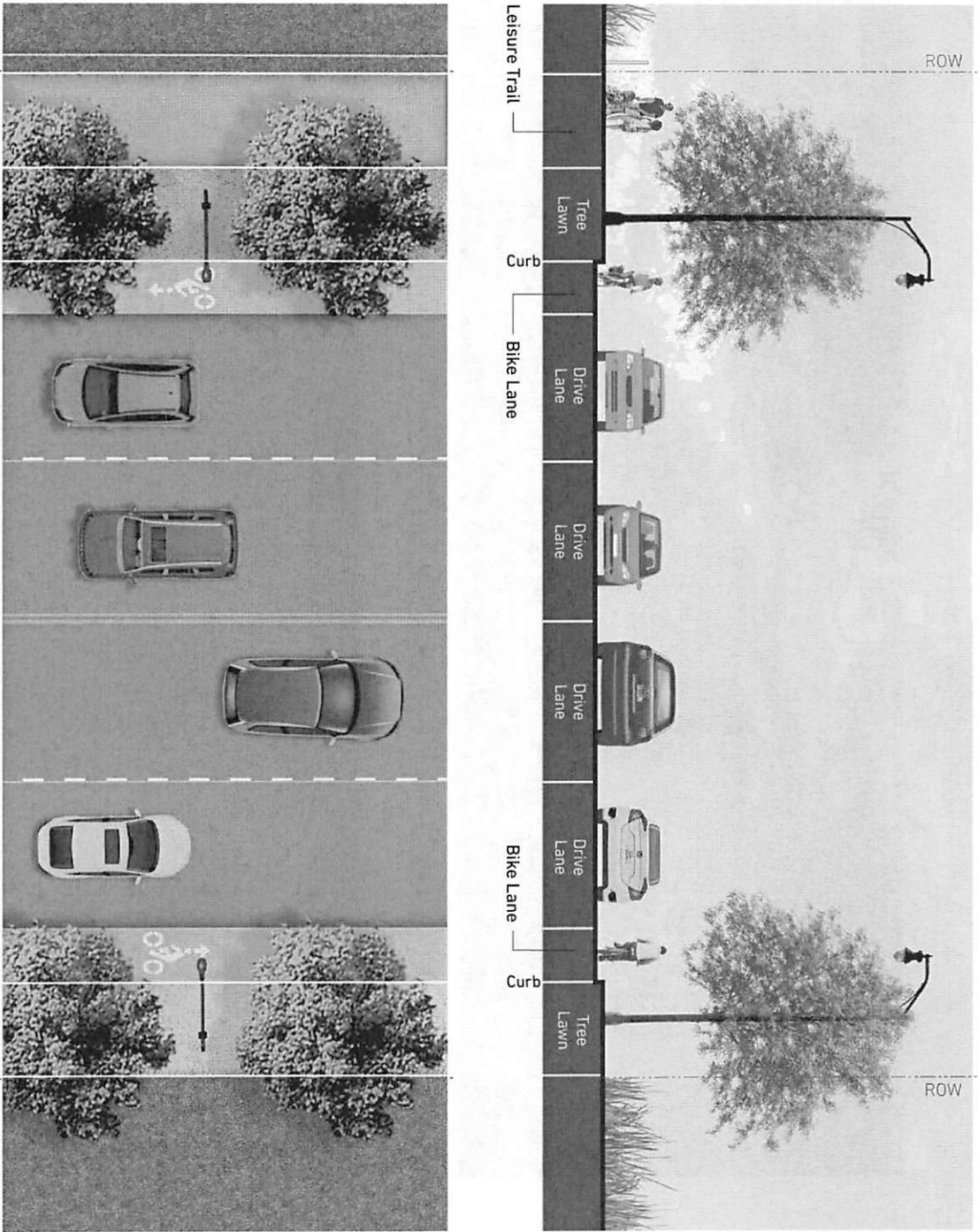
BUSINESS PARK | EDGE CONDITION EXAMPLE

FIGURE 1



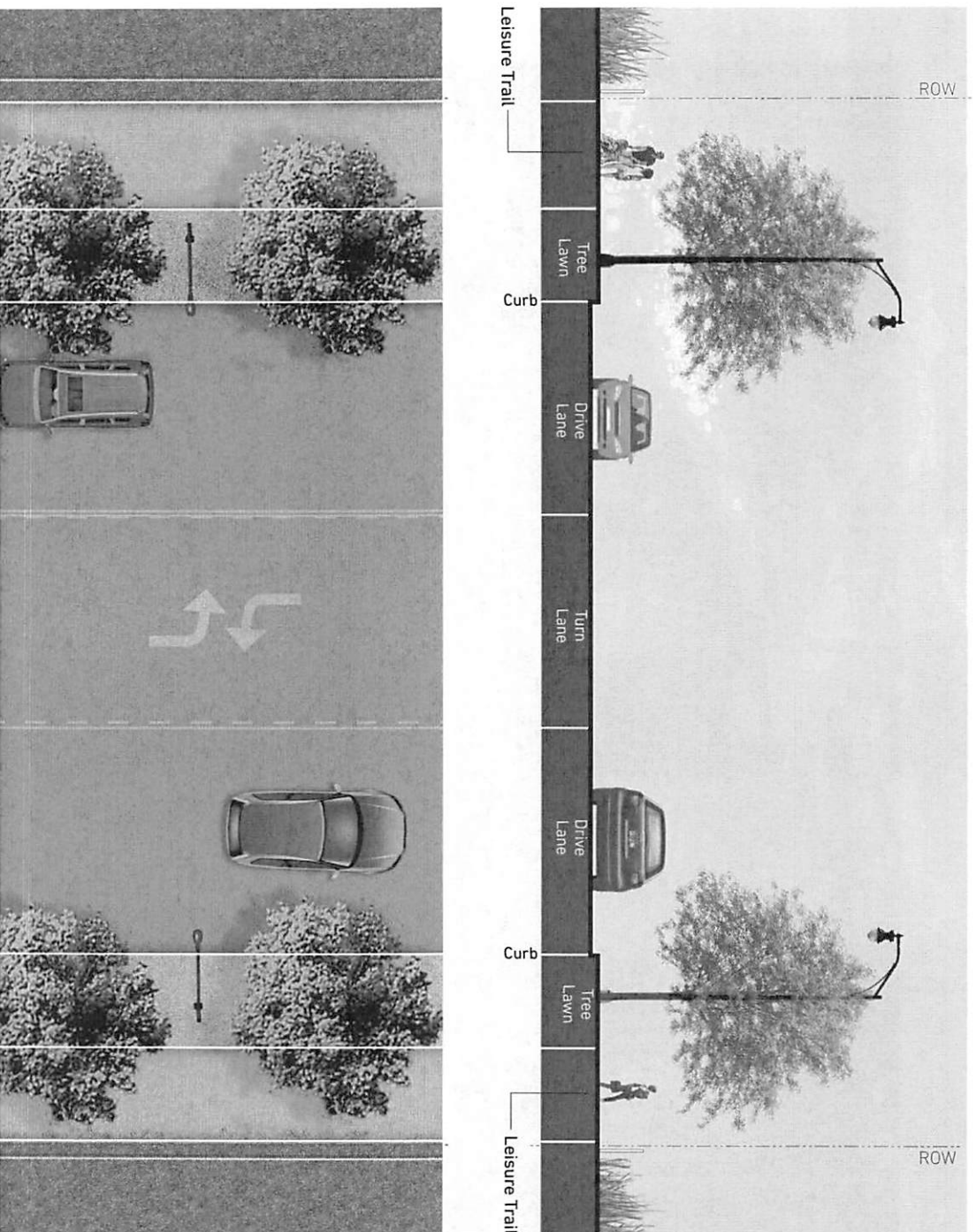
Public Road Section A
Principal Arterial (with Median)

FIGURE 2



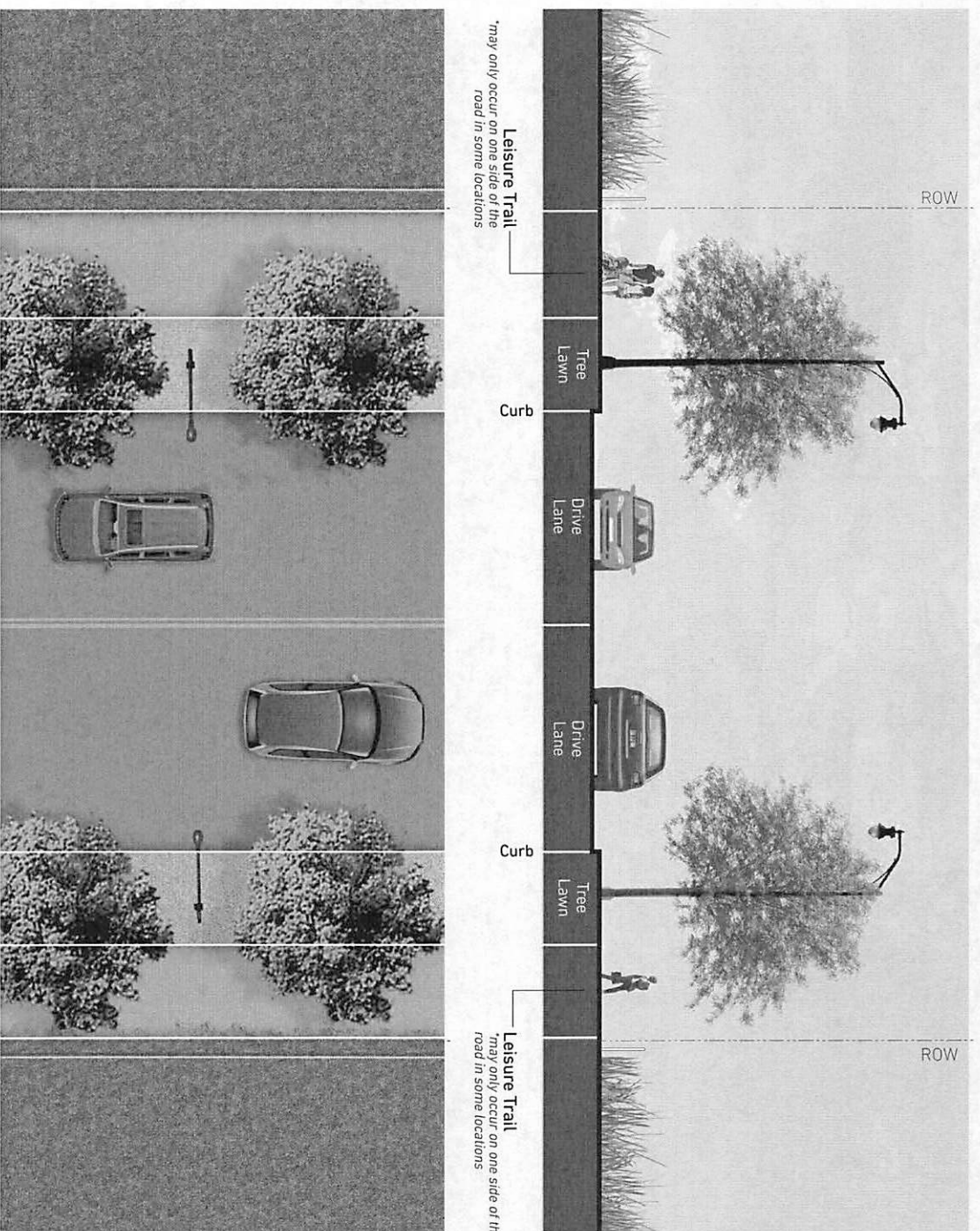
Public Road Section B
Principal Arterial (without Median)

FIGURE 3

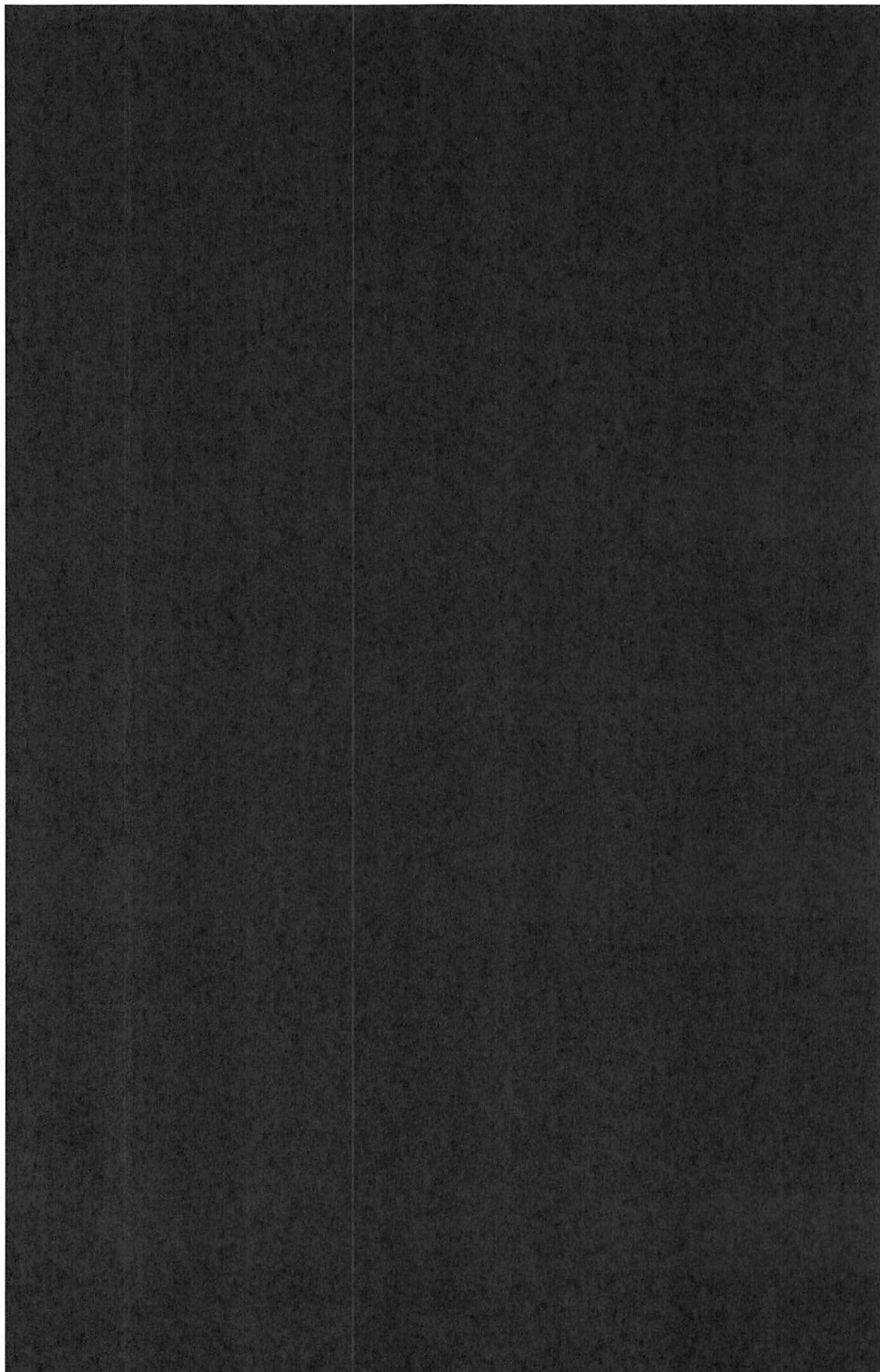


Public Road Section C
Major Collector (with Turn Lane)

FIGURE 4



Public Road Section D
Major Collector (without Turn Lane)



LANDSCAPE DESIGN STANDARDS

November 2021

NEW ALBANY TECHNOLOGY MANUFACTURING DISTRICT

Primary Roadway Standards

FIGURE 5
PRIMARY ROADWAYS - SWALE & BERM
GRADING

- If there is a swale condition, the swale shall be sloped at a maximum 3:1 gradient starting from three feet behind the white rail fence to the bottom of swale.
- The bottom of the swale shall be 2' wide.
- The backslope of the swale shall be sloped at a maximum 3:1 gradient up to the elevation of the adjacent leisure path. From this point further into the development site, the swale shall be sloped at a minimum 6:1 gradient to the top of the berm.
- Berm grading should undulate and vary in both vertical and horizontal dimensions, while remaining within the acceptable slope tolerances. Berm heights should range from 6-10' and the top of berm widths should range from 2-4'.
- The backslope of the berm should be sloped at a maximum 3:1 gradient. If grade cannot be met, a site wall of cast-in-place concrete or split faced concrete masonry unit block is allowable.
- In the case that berm height is unable to be met around the entirety of the Flagship site, plantings that provide 100% coverage at full foliage may be utilized to meet screening requirements. This condition should not exceed more than 30% of the entirety of the Flagship site edge condition.
- Plant species list: refer to Figure 18.

FIGURE 5

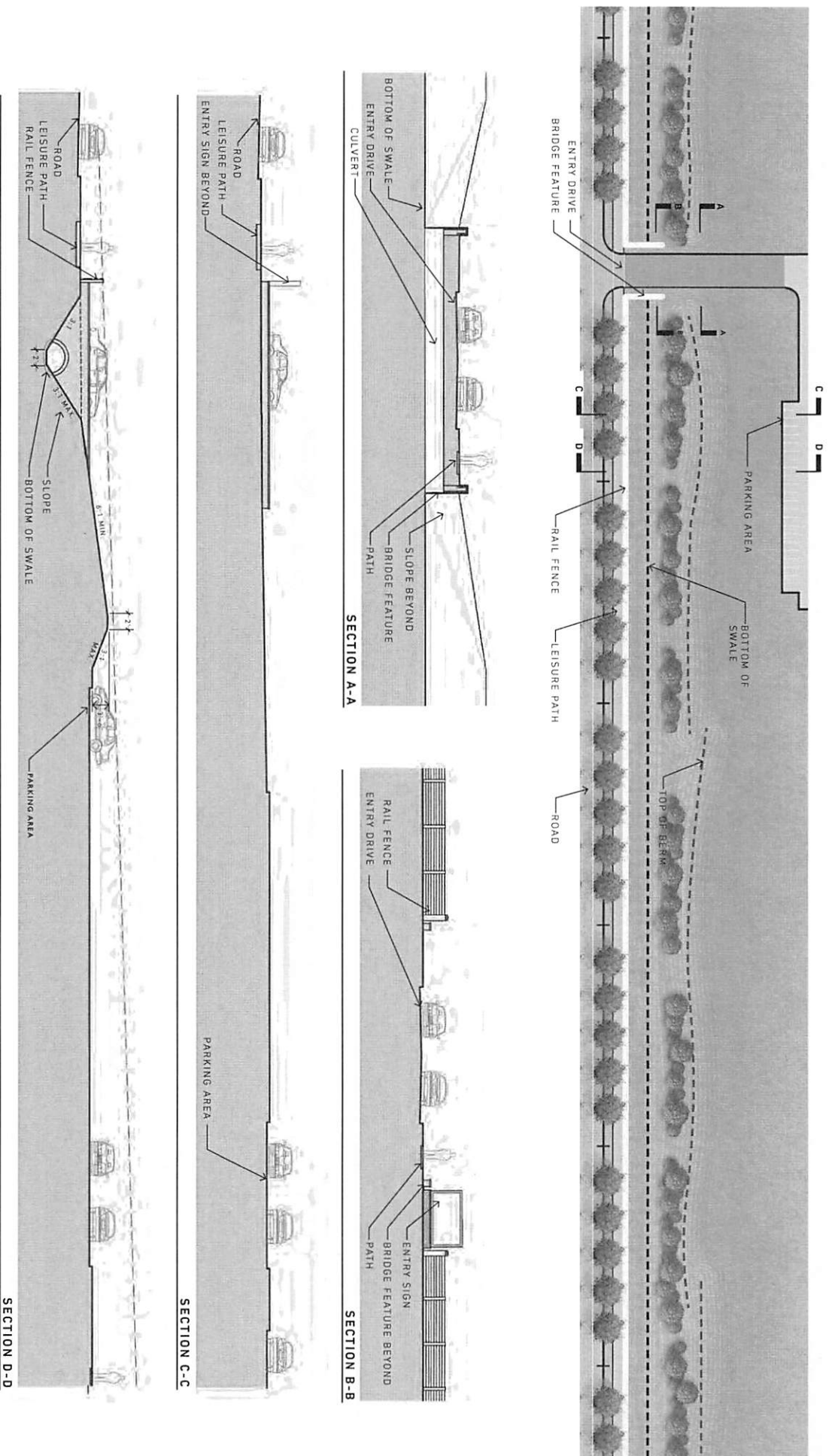


FIGURE 6
PRIMARY ROADWAYS - SWALE & BERM
PLANTING

- Swales shall have a simple meadow mix.
 - Installation method: Seeded (see Construction Guidelines)
- Berms shall have a simple mix of meadow and tree groupings placed in massings
 - Tree installation sizes: Tree sizes to be mixed in at least three different sizes, ranging from 2" to 3" caliper. No more than 50% of trees shall be 2" caliper.
 - Tree species diversity: At least 6 species shall be used per property. No quantity of any given species shall comprise more than 20% of the overall quantity of trees
 - Tree spacing: tree species and sizes are to be randomly spaced in a staggered pattern between 6' and 10' on-center. There should be a minimum of 30 trees per 100 linear feet.
 - Trees shall be underplanted with native woodland shrubs in massings, as indicated on the adjoining diagram.
- Only the back (private) side of the berm can be mown, maintained turf grass. This condition should not be visible from the public ROW.
- Plant species list: refer to Figure 18.

PRIMARY ROAD - SWALE & BERM PLANTING

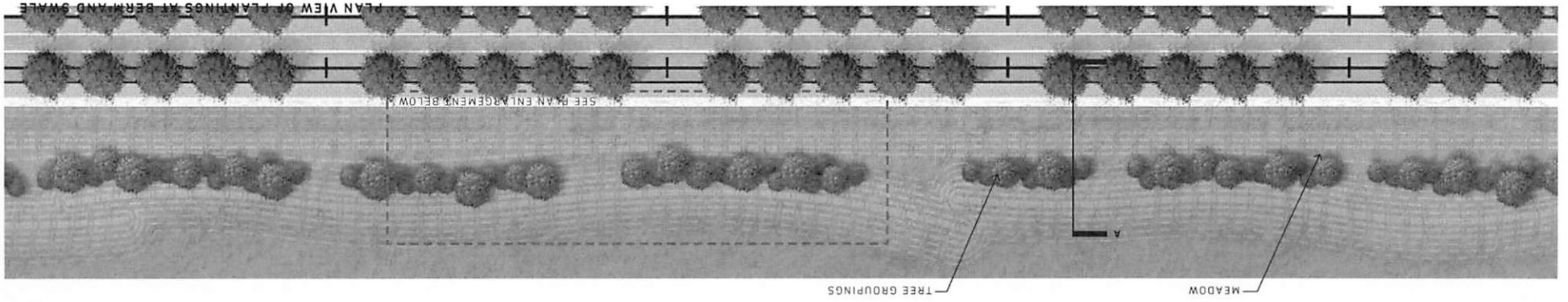
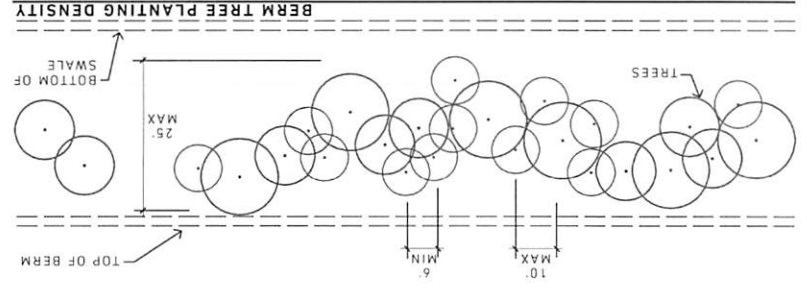
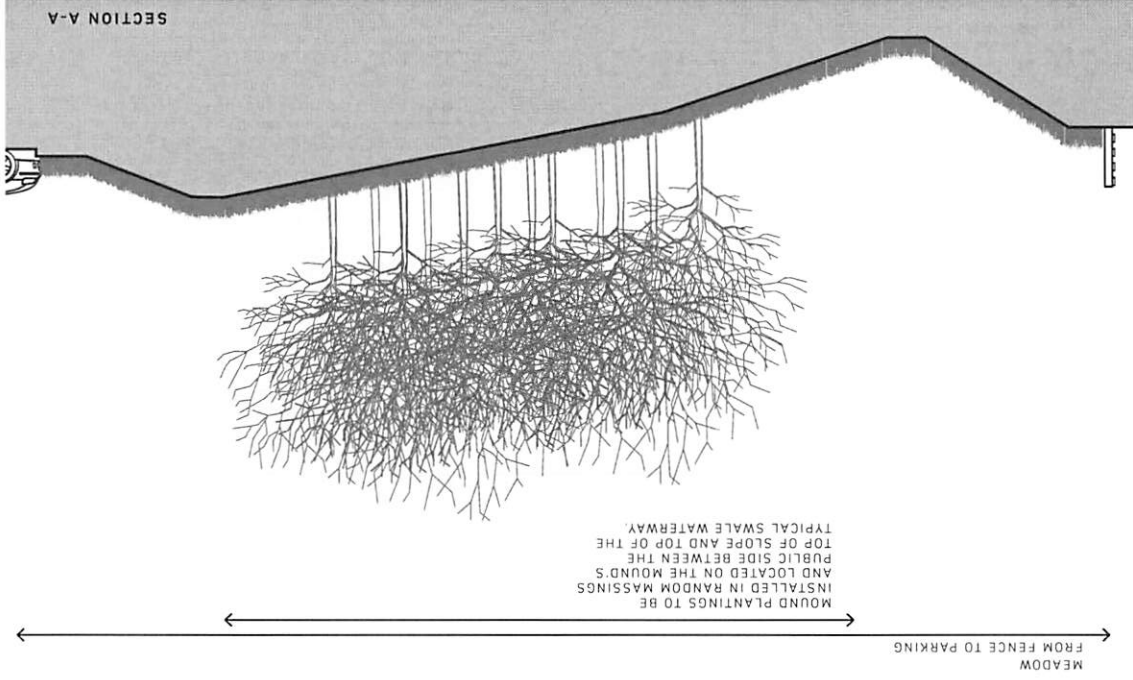


FIGURE 6

FIGURE 7
PRIMARY ROADWAYS - DETENTION
POND PLANTING & GRADING

- Ponds shall have a simple edge of meadow grass, wetland plantings (in emergent areas), and tree groupings.
- Ponds shall have a natural shape and be planted and graded in an attractive manner to be aesthetically integrated into the surrounding landscape.
- Meadow shall be same seed mix as swale and berm meadow mix.
- Trees shall be native canopy trees.
 - Species diversity: At least 8 species shall be used. No quantity of any given species shall comprise more than 20% of the overall quantity of trees
 - Installation sizes: trees are to be planted in a variety of sizes, ranging from 3-year seedlings to 1.5" caliper trees. No more than 60% of trees can be seedlings. At least 20% of trees shall be 1.5" caliper.
 - Tree spacing: tree species and sizes are to be randomly spaced in a staggered pattern between 4' and 10' on-center.
- Wetland mix shall be developed in consultation with a wetland ecologist.
- Diffused or bubbler type aeration devices are permitted in stormwater ponds. Fountains or any above-water aeration devices are prohibited.
- Generally, detention pond slopes (from pond shelf) should be an average of 12:1 slope, but no steeper than 6:1 and no more gradual than 20:1.
- Ponds may be constructed within the defined building and pavement setbacks.
- Plant species list: refer to Figure 18.

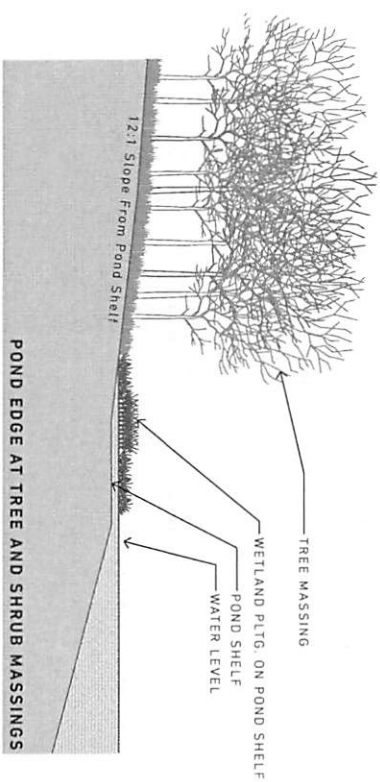
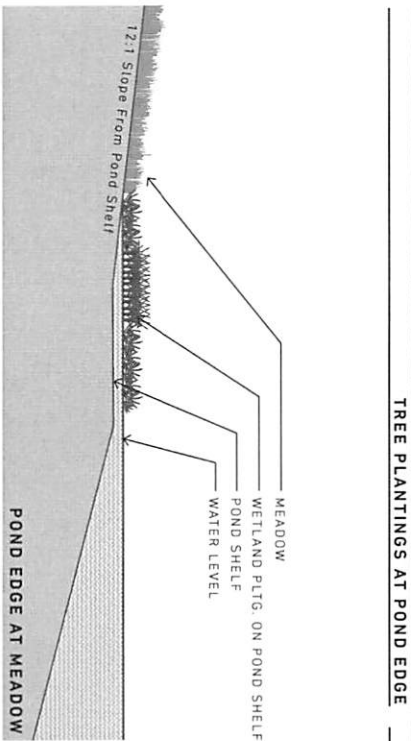


FIGURE 8
PRIMARY ROADWAYS - RAIL FENCE &
LEISURE PATH

- Fence to be placed on both sides of road.
- Top of fence elevation to match (tolerance of +/- 6") on both sides of road.
- Fence to be located 2' away from leisure path.
- Fence to begin and terminate with a 10" x 10" post.
- Fence character to match the current standard City of New Albany four rail horse fence in each of the following characteristics:
 - Finish: barn and fence paint by Sherwin Williams. Color to be consistent with fencing throughout the City. Primer used for treated wood.
 - Rail: 1"x6"x16", treated rough sawn Poplar
 - Intermediate post: 6"x7'-6", treated Southern Yellow Pine, installed with post driver.
 - End post: 12"x12"x7'-6", treated Southern Yellow Pine.
- A leisure path shall be placed along the inside of the road.
- Leisure path location: 8' from back of curb, consistent.
- Leisure path width: 8' wide.
- Leisure path material: bituminous concrete (asphalt) paving.
- Turf shall be planted between the leisure path and roadway curb and between the leisure path and the rail fence.

FIGURE 8

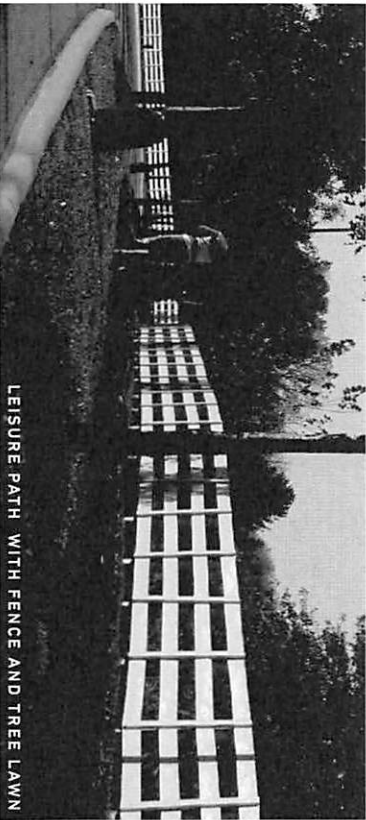
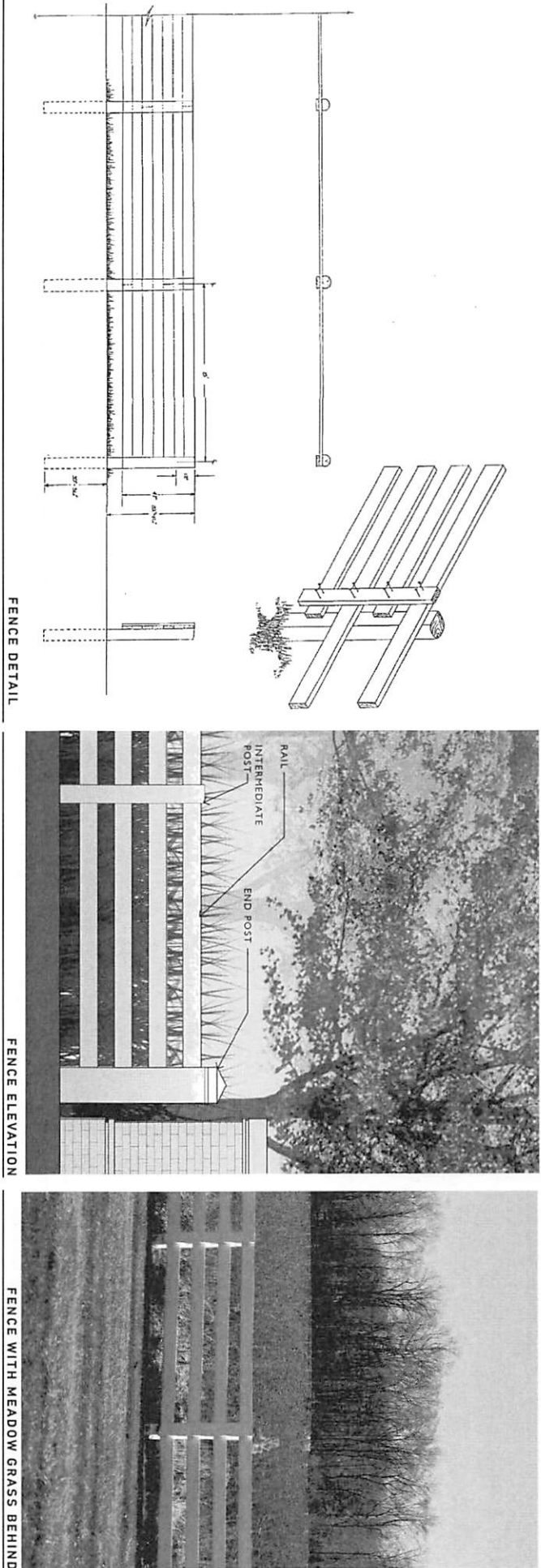


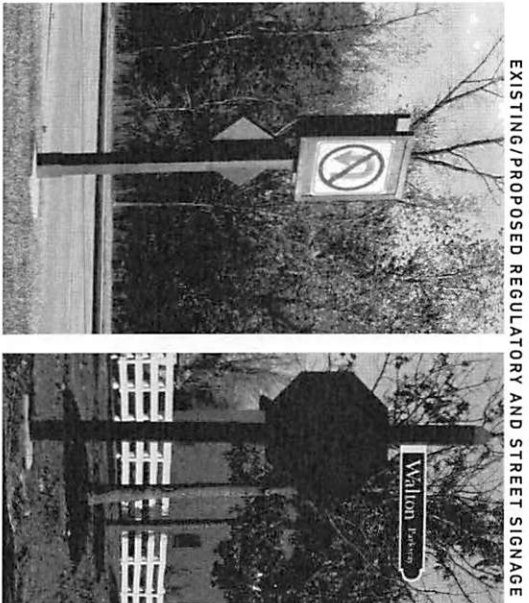
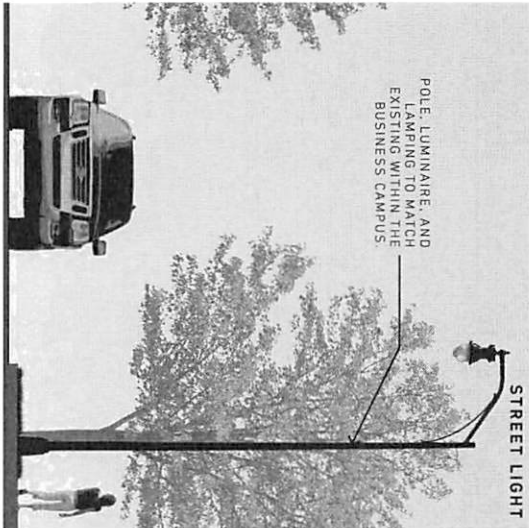
FIGURE 9
PRIMARY ROADS - SIGNAGE & STREET
LIGHTING

- All street lights shall match the optics, lamping, and style established within the existing Business Campus.
- Street light metal post, base, and luminaire shall be dark green, final color selection is to be coordinated with the City.
- Street lights shall be located in the middle of the tree lawn between the leisure path and back of road curb
- Street lights shall be spaced according to the current road bid documents, and coordinated with recommended street tree plantings. See Figure 14.
- Wayfinding from Business Park roadways shall direct all deliveries to the truck road.
- Signs shall be permitted at each drive off of the truck road, with an address and company name. The size and character of these signs shall match City regulatory signage.
- The size and character of street signs shall match street signs within the existing business campus. Street signs shall have a mix of upper and lower case letters.

FIGURE 9



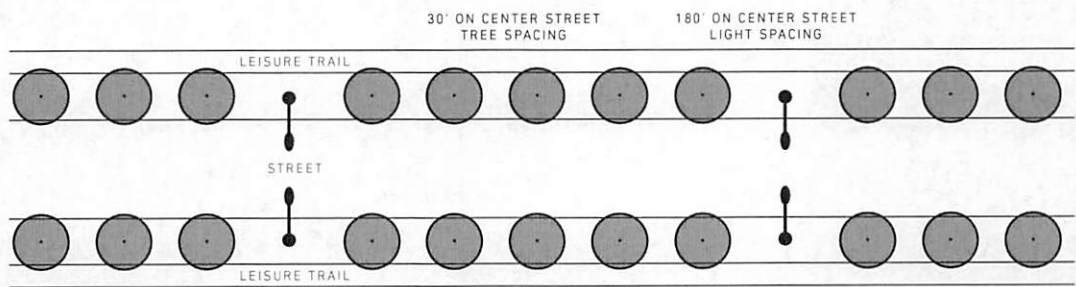
PROPOSED DISTRICT MARKERS



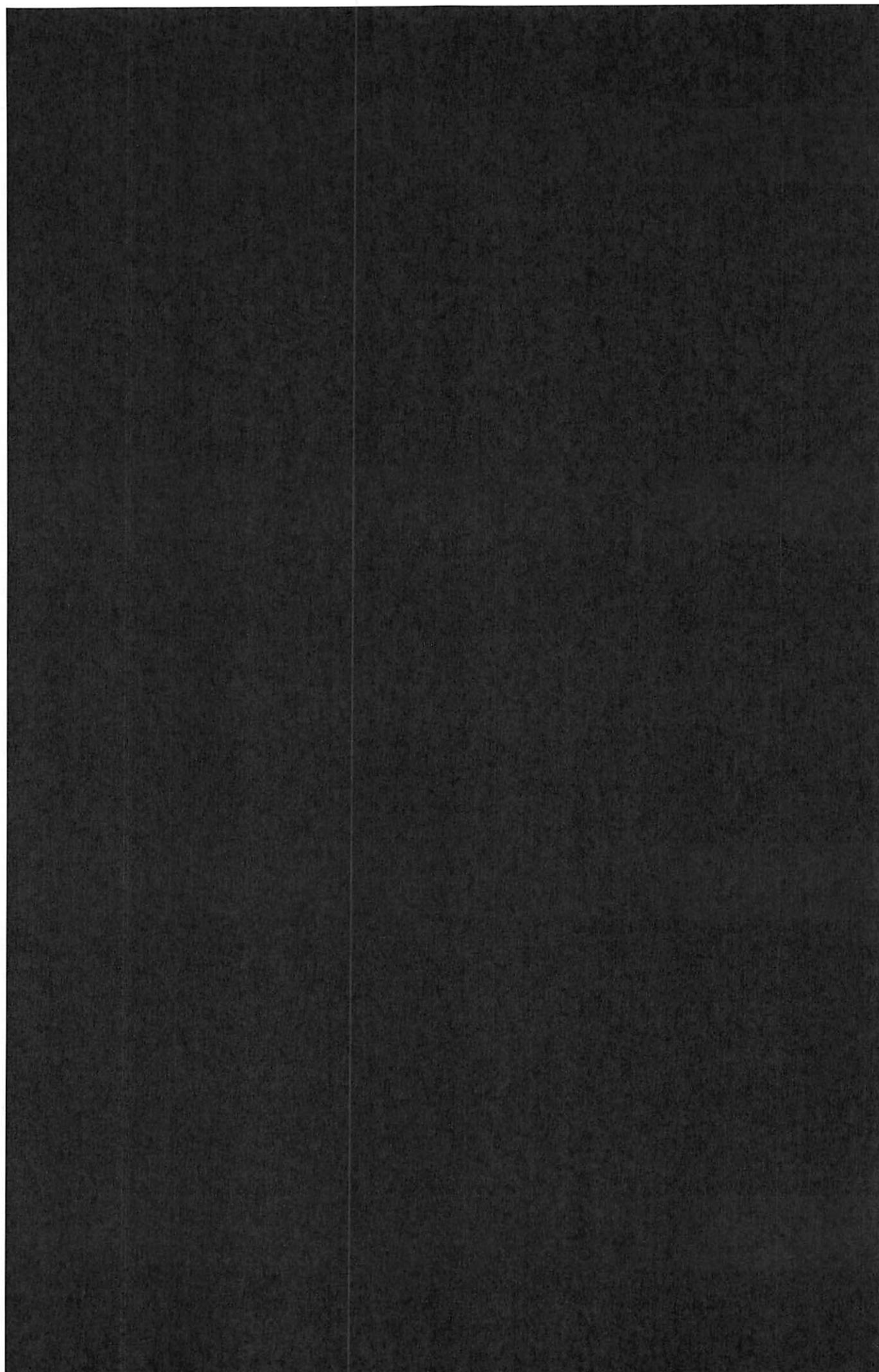
PRIMARY ROAD - SIGNAGE & STREET LIGHTING

FIGURE 10
PRIMARY ROADS - STREET TREE &
STREET LIGHT SPACING

- All street trees shall be canopy trees
- Trees shall be planted in middle of tree lawn between the leisure trail and back of road curb
- Trees shall be planted at a spacing of 30' on center.
- Street lights shall replace street tree locations every 180' (every sixth tree).
- Installation size: 2.5" in AEP easement, 3" caliper elsewhere.
- Tree species list: refer to Figure 18.



PRIMARY ROAD - STREET TREES



LANDSCAPE DESIGN STANDARDS

November 2021

NEW ALBANY TECHNOLOGY MANUFACTURING DISTRICT

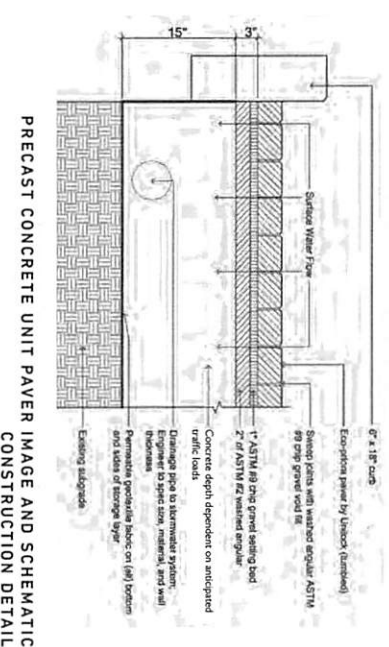
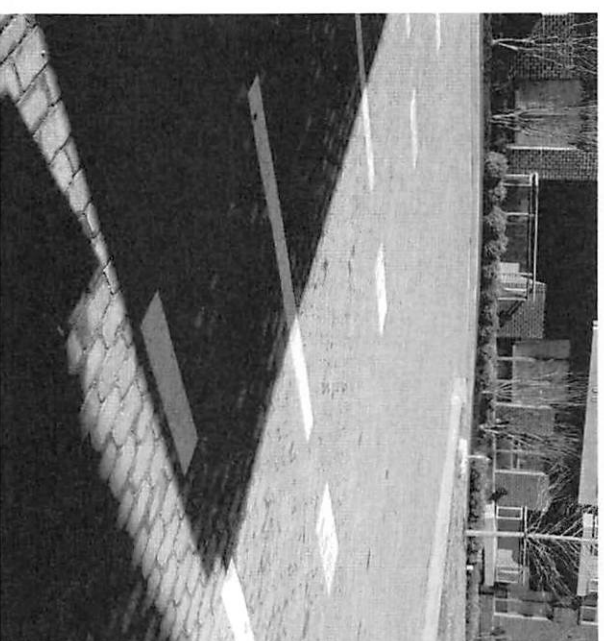
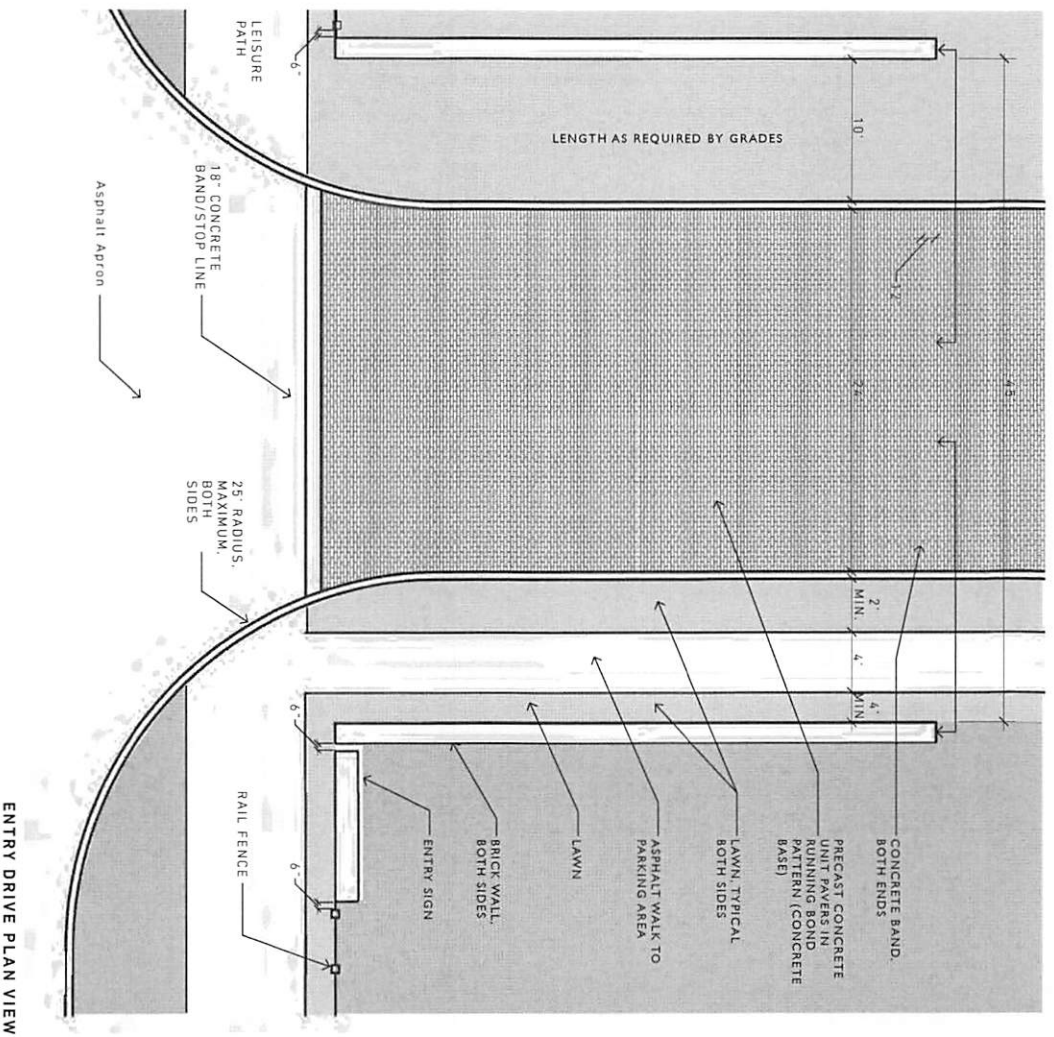
Development Site

FIGURE 11
DEVELOPMENT SITE - PRIMARY ENTRY
DRIVE

Standards set forth below apply to primary vehicular entry drives for employees and visitors. Service drives (trucks) should be asphalt and can vary in width based on engineering (traffic) study.

- Width: drive shall be 24' wide.
- Radii of curbing from entry drive to road shall be 25' maximum.
- Roadway material shall be bituminous concrete
- Roadway material over bridge shall be as follows:
 - Pavers shall be Eco-Priora by Unilock, color: granite, texture: tumbled, size: rectangle (9.36" x 4.68" x 3.12")
 - Field paving shall be precast concrete pavers laid in a running bond pattern and set on an aggregate setting bed and permeable aggregate base.
 - A 12" wide concrete band shall separate the precast concrete pavers from the asphalt roadway.
 - Area of pavers shall equal the length of the bridge minus the two 12" concrete bands.
- Driveway pavers extend back to first parking or drive intersection.
- Pathway adjacent to entry drive shall be 4' wide minimum, and 6' wide maximum. If pathway is wider than 4' wide, additional width shall be split evenly on either side of the pathway centerline.
- Concrete band/stop line shall be 18" wide.

FIGURE 11



DEVELOPMENT SITE - ENTRY DRIVE

FIGURE 12
DEVELOPMENT SITE - BRIDGE AT
ENTRY DRIVE

- Bridge wall shall be parallel with entry drive
- Face of bridge wall shall be located 10' away from back of entry drive curb
- Height of bridge wall shall be 27" above finish grade on entry drive side of wall at entrance adjacent to sign wall location (see Figure 17 for sign base details). Top of wall shall be held level.
- Wall width shall be 24".
- Wall Construction: cast in place concrete formliner. Paint color shall match color on fence. Finish face of form liner to be smooth and free of voids. Coordinate appropriate concrete mix design with structural engineer to provide this finished look.
- Capstone: white painted precast stone. minimum lengths of 4' with a thickness of 4". All sections to be equal. Provide 1" overhang on all edges.
- Culvert Size and Shape: arch-shaped or round precast concrete pipe equivalent to 4' diameter flow.
 - Example supplier: Rinker Materials (concrete arch pipe - 54" round equivalent)

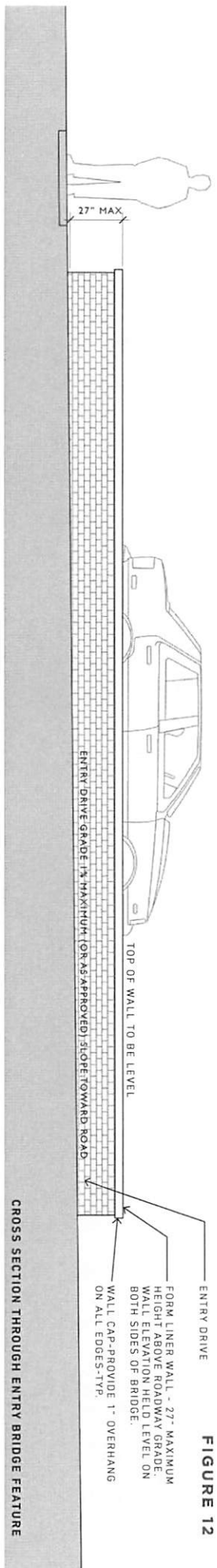
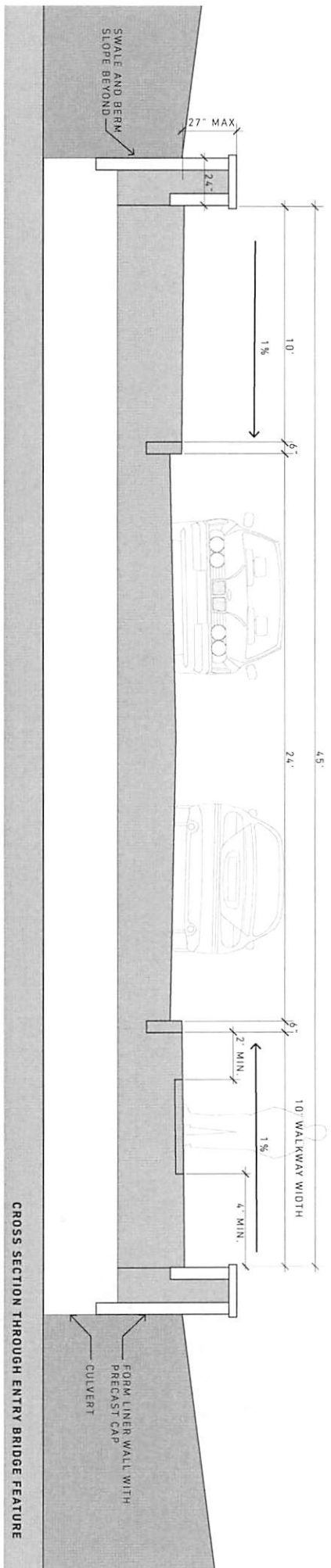
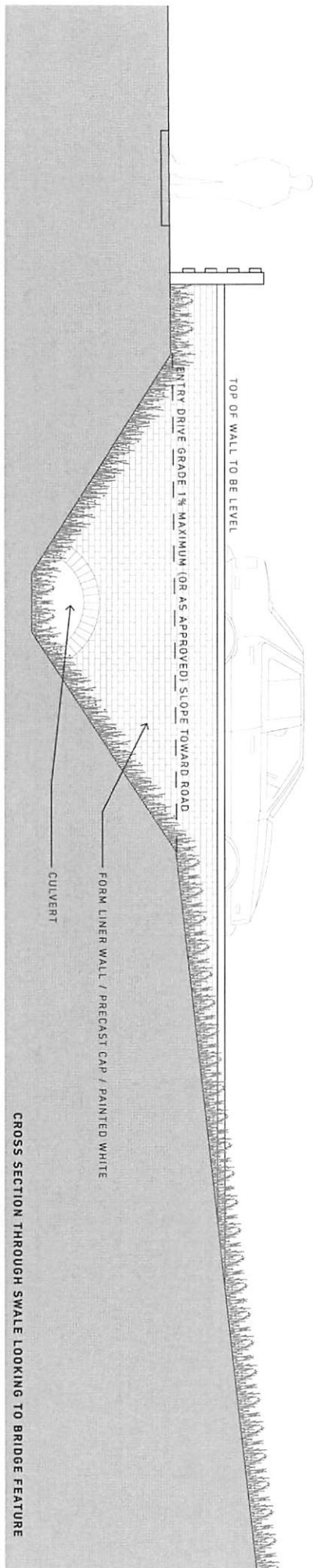


FIGURE 12

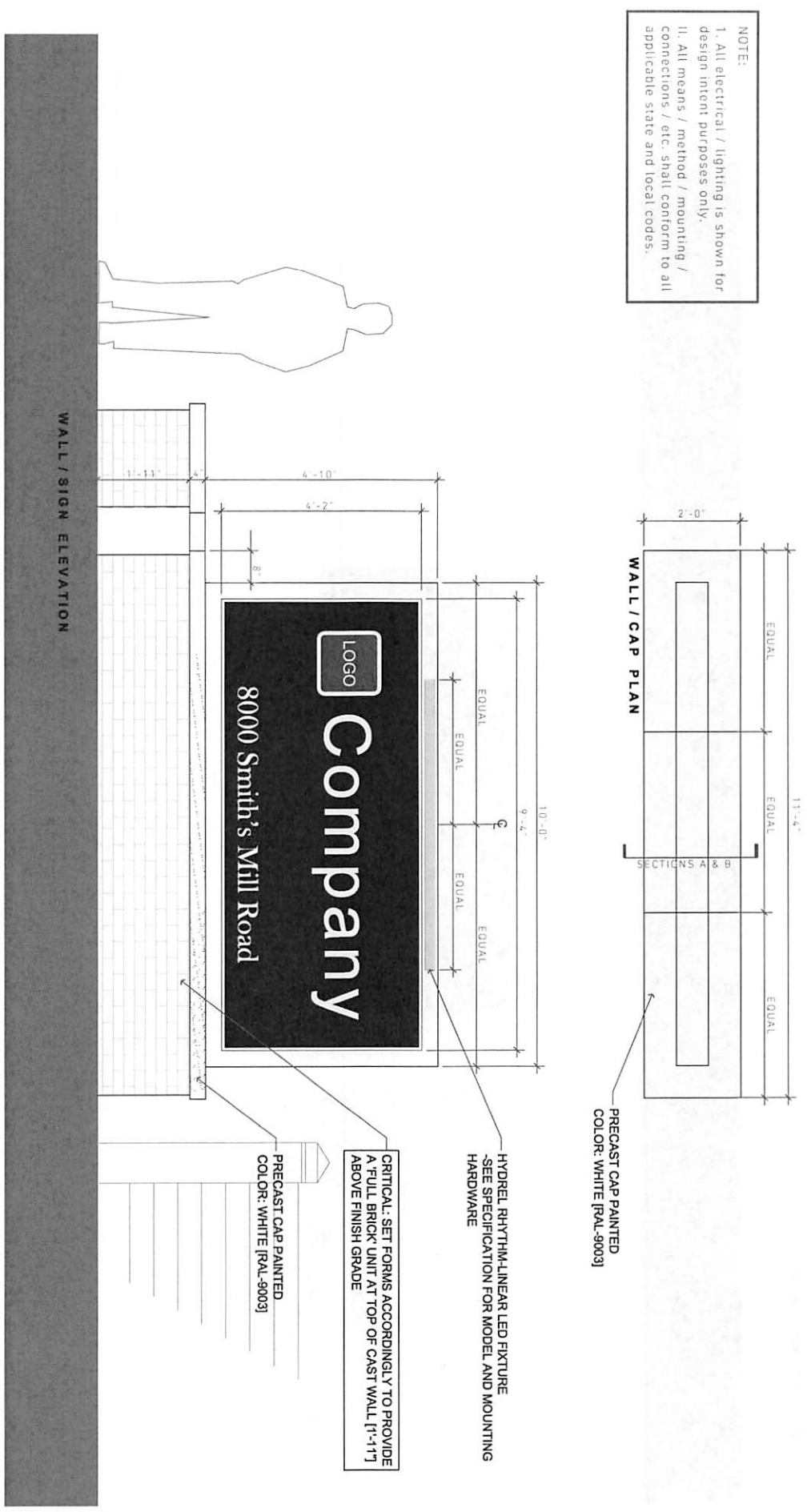


DEVELOPMENT SITE - BRIDGE AT ENTRY DRIVE

FIGURE 13
DEVELOPMENT SITE - PRIMARY
ENTRANCE SIGNAGE

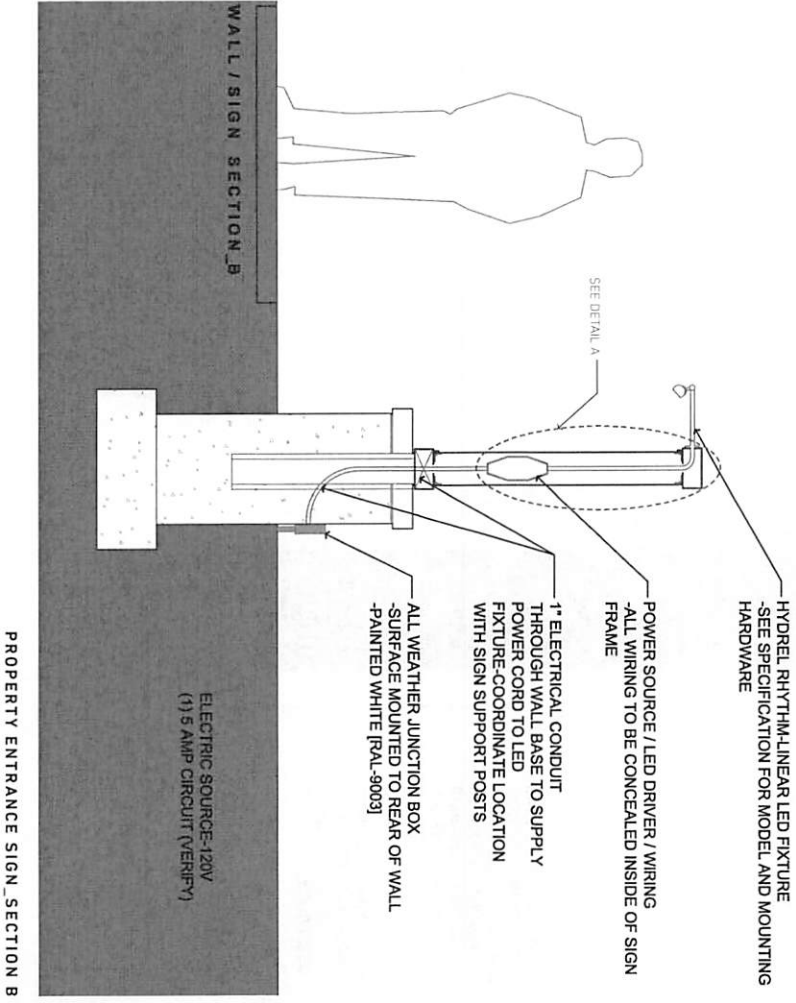
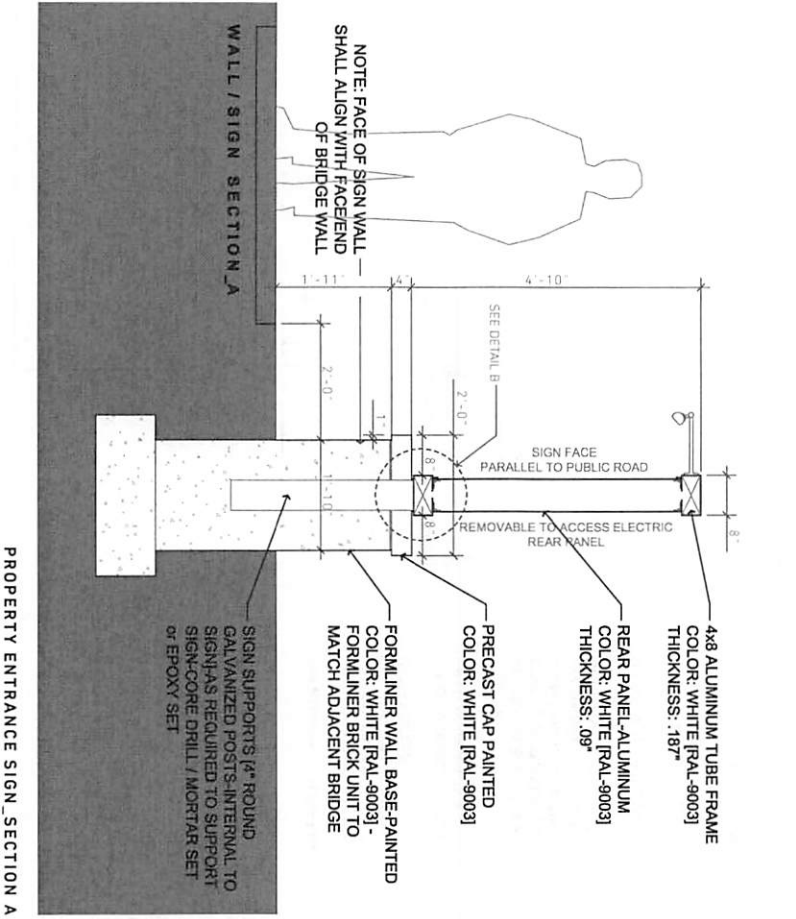
- Sign shall be parallel with road and in line with white rail fence and end of bridge wall.
- Overall sign size (including brick base element): 11'-0" wide x 7'-2" tall. (Sign size can be assessed on a case-by-case basis - Size defined here is minimum size).
- Sign shall be comprised of a formliner concrete base and aluminum sign frame.
- Wall Base: cast in place concrete formliner. Paint color shall match color on fence. Finish face of form liner to be smooth and free of voids. Coordinate appropriate concrete mix design with structural engineer to provide this finished look.
- Capstone: white painted precast stone. Lengths as shown. Cap thickness: 4". Overhang: 1"-All Sides.
- Metal Sign Frame: painted aluminum, white, RAL 9003.
- Metal Sign Panel: painted aluminum, dark charcoal, RAL 7021.
- Sign Graphics and Type:
 - Letters: 1/2" thick aluminum letters - color: white (RAL 9003). Letters mounted to face of sign panel (company names and addresses).
 - Colors: Max of Four Colors Permitted
 - Letters: White (RAL 9003)
 - Sign Panel: Charcoal (RAL 7021)
 - Company Logo: Two Color Max.
 - Note: Address font shall be Baskerville BT Regular. Address shall appear on single line.
- Sign Lighting
 - Hydrel: Rhythm-Linear LED Flood - See pages 36-38 for product cutsheet.

FIGURE 13





NOTE:
 1. All electrical / lighting is shown for design intent purposes only.
 II. All means / method / mounting / connections / etc. shall conform to all applicable state and local codes.

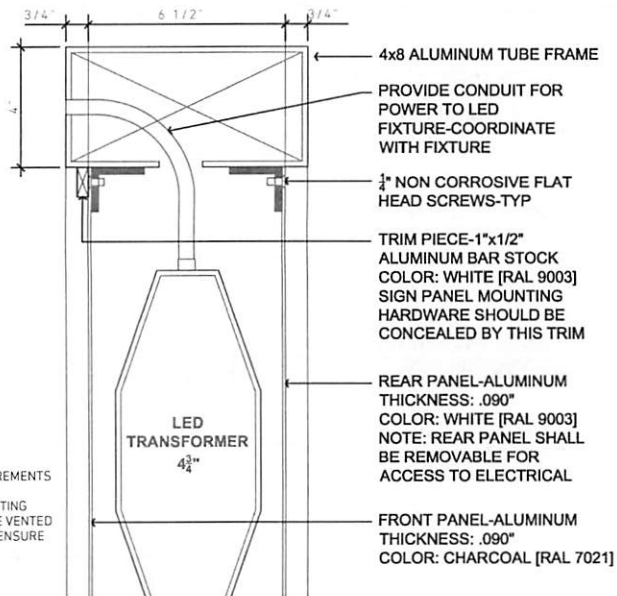


NOTE:

I. All electrical / lighting is shown for design intent purposes only.

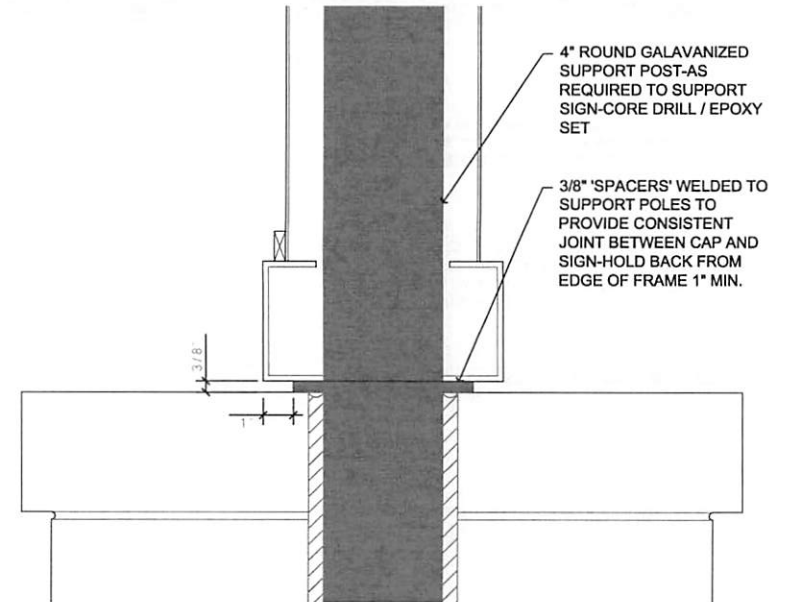
II. All means / method / mounting / connections / etc. shall conform to all applicable state and local codes.

NOTE:
CONFIRM AIRFLOW REQUIREMENTS
IN REGARDS TO THE LED
TRANSFORMER WITH LIGHTING
MANUFACTURER. PROVIDE VENTED
ACCESS AS REQUIRED TO ENSURE
PROPER VENTILATION.



A PANEL ATTACHMENT
SCALE: 3" = 1'-0"

DETAIL A



B MOUNTING DETAIL
SCALE: 3" = 1'-0"

DETAIL B

LIGHTING CUT SHEET #1

HYDREL

Hydrex Lighting Company

CE-5829

LINEAR LED FLOOD

TYPE

JOB NAME

PART NUMBER

CE-5829

DESCRIPTION

Hydrex's CE-5829 Linear LED Flood series is a truckle mount, variable beam, adjustable LED Flood lighting fixture. It features a heavy-duty, cast aluminum housing with a powder-coated finish. The fixture is designed for use in a variety of applications, including outdoor lighting, industrial lighting, and security lighting. It is available in a variety of beam angles and wattages, and can be customized to meet specific requirements.

Features & Specifications

MATERIAL:

Fixture - Extruded 6063-T5 aluminum with the cast aluminum mounting. All fasteners are stainless steel.

SSR - Copper-free cast aluminum A360.

All aluminum may be anodized or painted.

LENS:

High strength optical grade clear acrylic.

MOUNTING:

Truckle mount (KM).

SOURCE:

Quantity six (6) 10W LED's per linear foot, driven at 615 mA with maximum power consumption of 13 watts per foot. (Note: LED's are not dimmable.)

POWER SUPPLY:

50W power supply is provided standard with 15A/60V, two (2) 60V power supplies and two (2) NEMA rated 15A/60V, two (2) 60V power supplies and may be located up to 20' (6m) from the fixture.

VOLTAGE:

120V (120-277V) 50Hz.

DISTRIBUTION:

55' (16.8m) with 10' (3m) of cable tested to 1000V AC.

OPTIONS:

55' (16.8m) with 10' (3m) of cable tested to 1000V AC.

FINISH:

White - White.

WARRANTY:

Five (5) year limited warranty. Limited to the original purchaser.

APPROVALS:

UL Listed (UL 1591, UL 1578, UL 1579, UL 1580, UL 1581, UL 1582, UL 1583, UL 1584, UL 1585, UL 1586, UL 1587, UL 1588, UL 1589, UL 1590, UL 1591, UL 1592, UL 1593, UL 1594, UL 1595, UL 1596, UL 1597, UL 1598, UL 1599, UL 1600, UL 1601, UL 1602, UL 1603, UL 1604, UL 1605, UL 1606, UL 1607, UL 1608, UL 1609, UL 1610, UL 1611, UL 1612, UL 1613, UL 1614, UL 1615, UL 1616, UL 1617, UL 1618, UL 1619, UL 1620, UL 1621, UL 1622, UL 1623, UL 1624, UL 1625, UL 1626, UL 1627, UL 1628, UL 1629, UL 1630, UL 1631, UL 1632, UL 1633, UL 1634, UL 1635, UL 1636, UL 1637, UL 1638, UL 1639, UL 1640, UL 1641, UL 1642, UL 1643, UL 1644, UL 1645, UL 1646, UL 1647, UL 1648, UL 1649, UL 1650, UL 1651, UL 1652, UL 1653, UL 1654, UL 1655, UL 1656, UL 1657, UL 1658, UL 1659, UL 1660, UL 1661, UL 1662, UL 1663, UL 1664, UL 1665, UL 1666, UL 1667, UL 1668, UL 1669, UL 1670, UL 1671, UL 1672, UL 1673, UL 1674, UL 1675, UL 1676, UL 1677, UL 1678, UL 1679, UL 1680, UL 1681, UL 1682, UL 1683, UL 1684, UL 1685, UL 1686, 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LIGHTING CUT SHEET #3

NOTE: HYDRAL RESERVES THE RIGHT TO MODIFY SPECIFICATION WITHOUT NOTICE. Any dimension on this sheet is to be accepted as a reference dimension. Final dimensions depend on the actual size of the component or inspection requirements. (PART 114-1-121)

Drawn: [Name]
Checked: [Name]
Reviewed: [Name]

LISTING: CSA, CSA

FASTENERS: Stainless steel hex cap screws

FINISH: Black powder coat

Aluminum extrusion welded prior to anodizing

MATERIAL: Copper-free cast aluminum A360, A1

option box

entries or standard weld back mounting over recessed

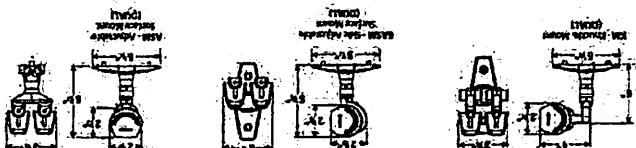
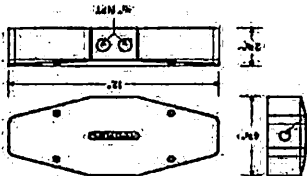
mounting. The SSBR box is available with side control

of the flyback transformer. The SSBR power supply

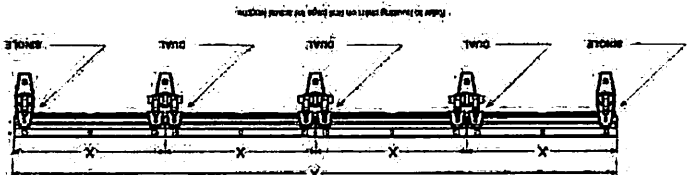
enclosure is a well located housing suitable for surface

mounting. Enclosure designed to meet the dry location

NEMA RATED SURFACE BOX (SSBR)



ETE - DUAL MOUNT DIMENSIONS



END-TO-END SYSTEM (ETE)

When mounting with end (ETE) option, each bracket will lap with one end and one end (lap) mounting configuration, ensuring ease of installation and handling as well.

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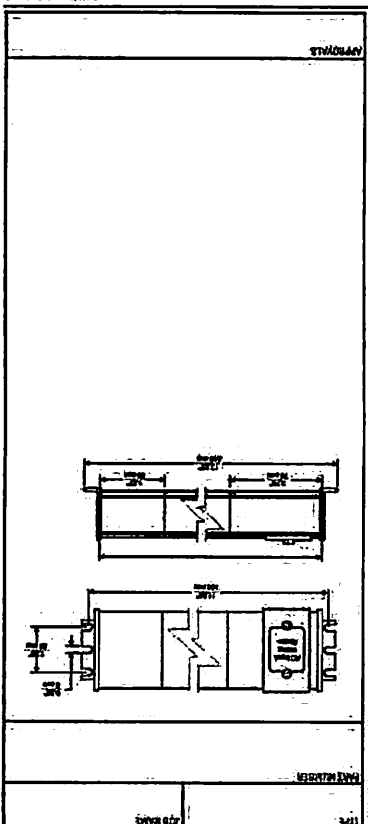
LIGHTING CUT SHEET #4

NOTE: HYDRAL RESERVES THE RIGHT TO MODIFY SPECIFICATION WITHOUT NOTICE. Any dimension on this sheet is to be accepted as a reference dimension. Final dimensions depend on the actual size of the component or inspection requirements. (PART 114-1-121)

Drawn: [Name]
Checked: [Name]
Reviewed: [Name]

NOTE: HYDRAL RESERVES THE RIGHT TO MODIFY SPECIFICATION WITHOUT NOTICE. Any dimension on this sheet is to be accepted as a reference dimension. Final dimensions depend on the actual size of the component or inspection requirements. (PART 114-1-121)

APPROVALS



NEMA RATED POWER SUPPLY

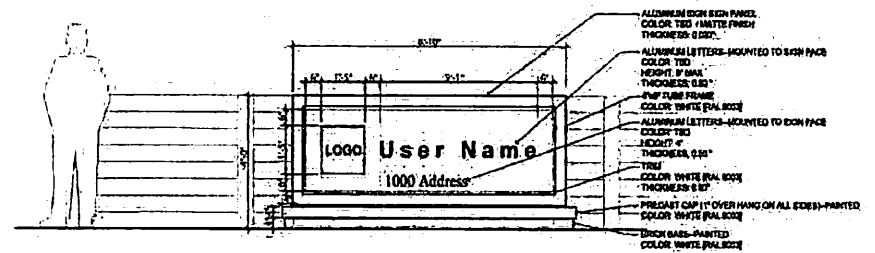
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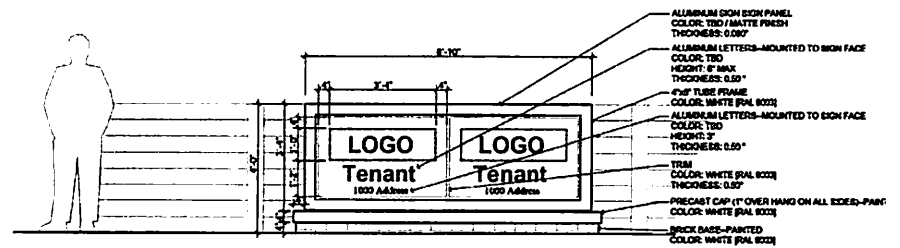
FIGURE 14
DEVELOPMENT SITE - INTERIOR
PROPERTY SIGNAGE

In the special case of secondary signage needed (visible from the public ROW), including address, directional, and other signage required by the state and federal agencies, the following standards shall be met.

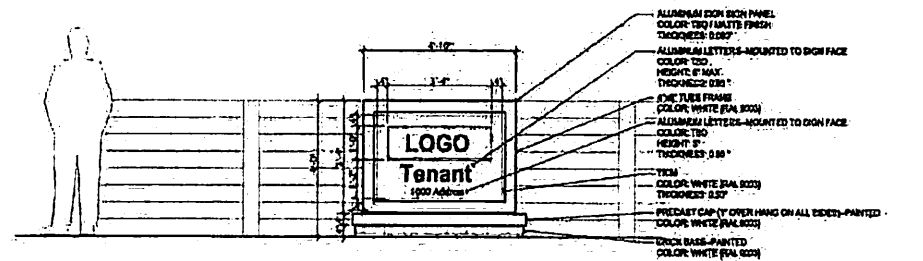
- Sign shall be parallel with road and in line with white rail fence and end of bridge wall.
- If multiple tenants are to be listed, tenants should be included on one sign.
- Refer to Figure 18 exhibits for sign details (materials, sizing, placement).
- In the case of a tenant needing to remain unlisted, an address only sign may be approved to be placed along the fence - as illustrated on the following page.
- Additional internal signage, not seen from the exterior of the site, is permitted by right. The quantity and size of these signs shall be determined by the developer.



Secondary - Single Tenant Sign



Secondary - Multi-Tenant Sign



Secondary - Single Tenant Sign

FIGURE 14

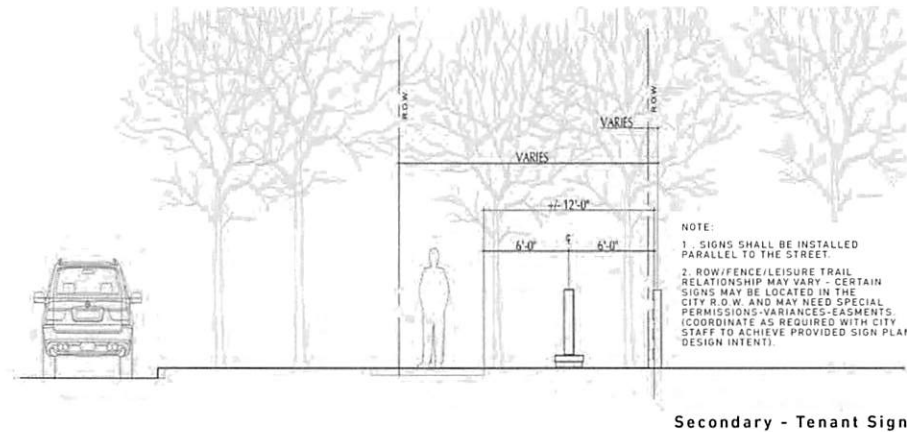
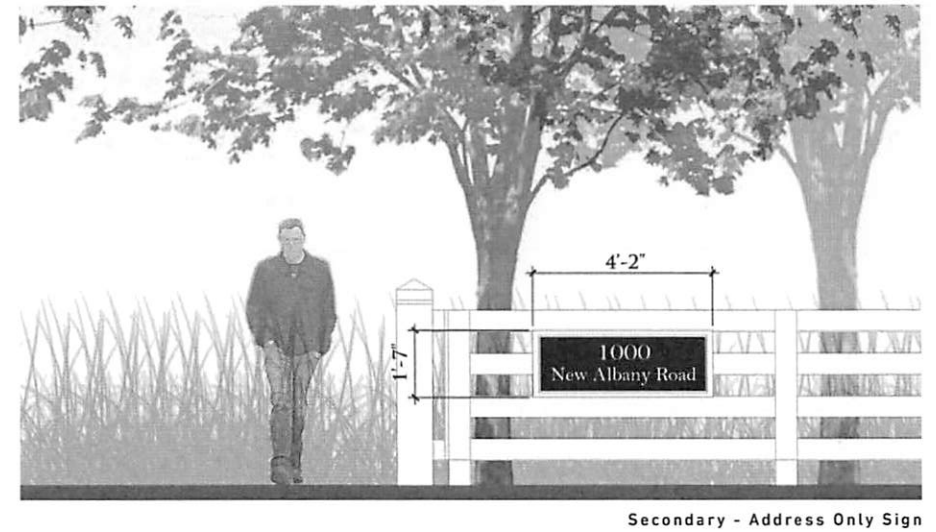
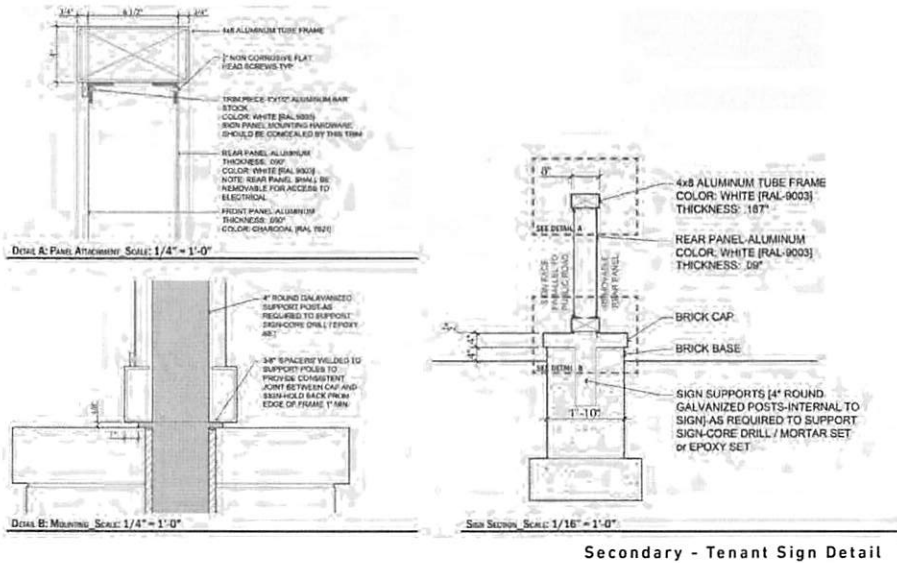
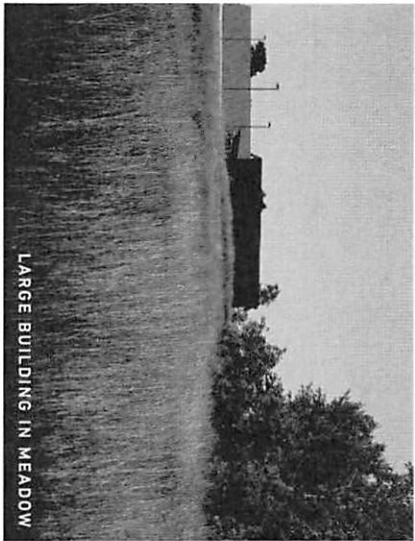
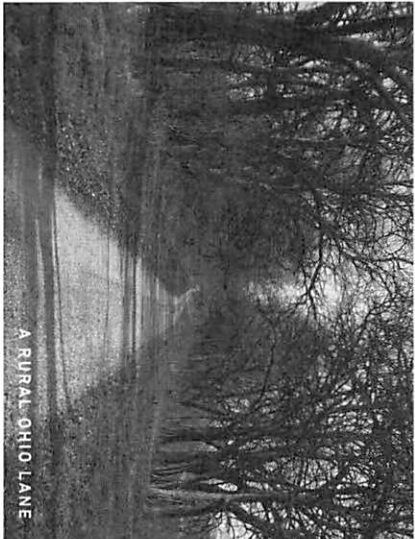


FIGURE 15
DEVELOPMENT SITE - FRONT YARD
PLANTING

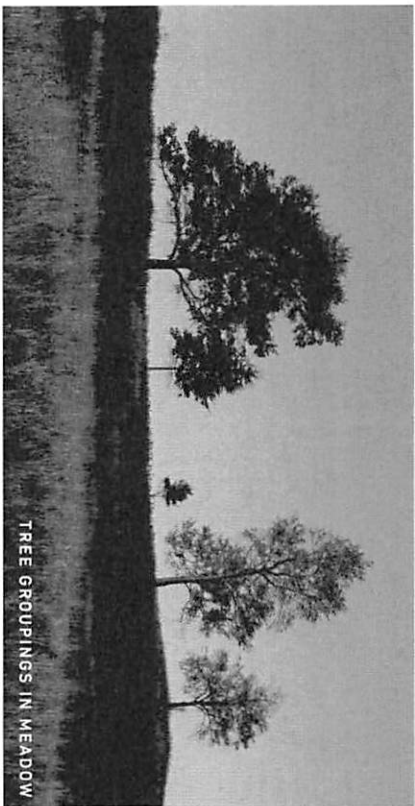
- Refer to Berm Planting where parking areas abut the back of road berm.
- All front yard plantings shall be meadow and the occasional canopy tree grouping.
- Species diversity: At least 5 species shall be used throughout front yard plantings. No quantity of any given species shall comprise more than 40% of the overall quantity of trees in the front yard plantings.
- Installation sizes: trees are to be planted in a variety of sizes, ranging from 1" to 2" caliper trees. No more than 60% of trees can be 1" caliper.
- Tree spacing: tree species and sizes are to be randomly spaced in a groups of 3 to 6 trees, and spaced between 12' and 18' apart within groupings. Distribution of groupings shall be as generally shown on the overall plan.
- Lane tree plantings shall be planted 6' on center, consistently offset 8' from the end of the entry drive.
- Tree species list: refer to Figure 18.



LARGE BUILDING IN MEADOW



A RURAL OHIO LANE



TREE GROUPINGS IN MEADOW

FIGURE 15

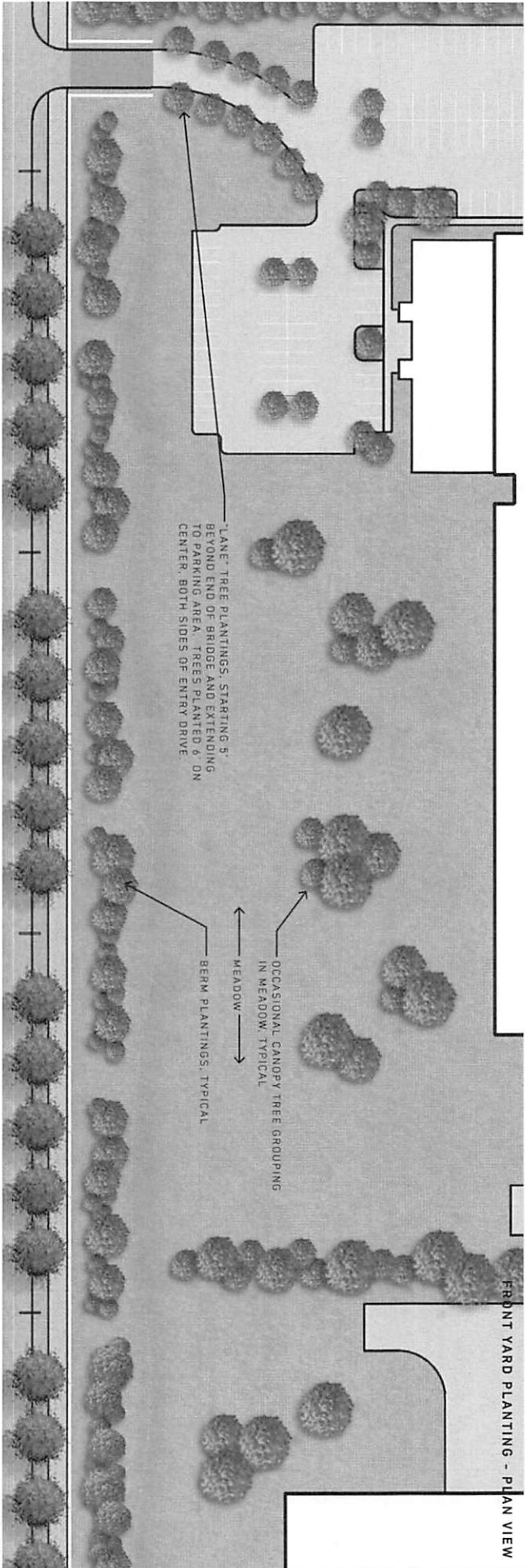


FIGURE 16
DEVELOPMENT SITE - HEDGEROW
PLANTING

The following standards apply to Primary Development Sites.

- "Hedgerows" shall be planted between properties.
- Hedgerows shall consist of large deciduous shade and understory trees. Plant material shall be tightly spaced and comparable to the existing mature agricultural hedgerows surrounding the district.
- To either side of the property line, a 12' wide area shall be planted with native trees as a hedgerow.
- Where hedgerows are planted in swales, begin hedgerow plantings 3' upslope from the bottom of the swale.
- Species diversity: At least 5 species shall be used. No quantity of any given species shall comprise more than 40% of the overall quantity of trees in the hedgerow.
- Installation sizes: trees are to be planted in a variety of sizes, ranging from 3-year seedlings to 1" caliper trees. No more than 60% of trees can be seedlings. At least 20% of trees shall be 1" caliper.
- All installed plant material will require tree protection until the plant material reaches 3" caliper for single stem trees and 6' height for understory and/or multistem trees. Tree protection fence should be a neutral color and a minimum 3' in height.
- Hedgerow tree spacing: tree species and sizes are to be randomly spaced in a staggered pattern between 5' and 6' on-center.
- At power line easement, tree species shall be selected to not exceed 30' height.
- Interior side yards should be meadow with random massings of large deciduous shade trees. Random massings should consist of 3-7 trees and installed at a minimum 3" caliper.
- Tree species list: refer to Figure 18.

FIGURE 16

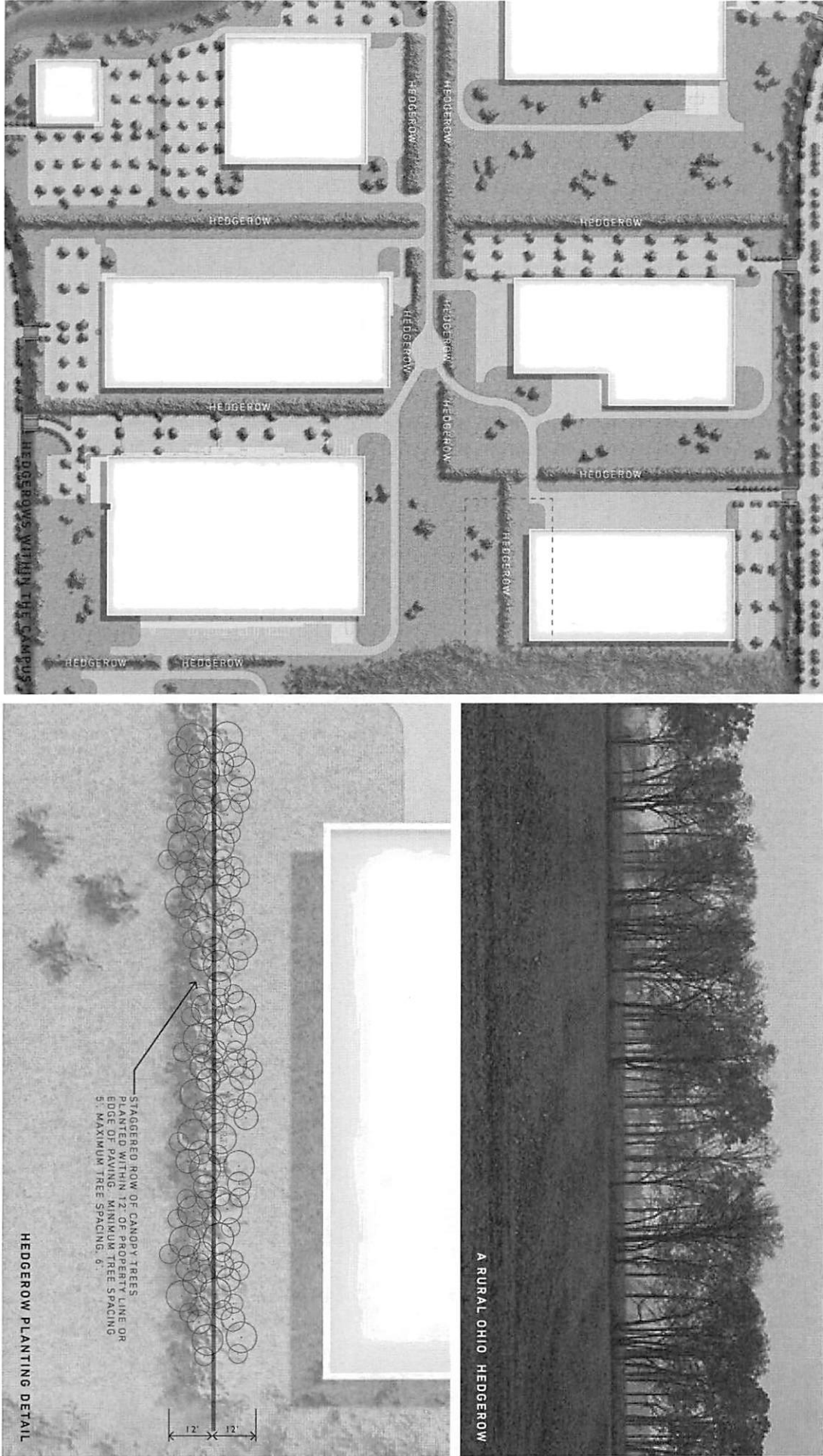


FIGURE 17A
PRIMARY DEVELOPMENT SITE -
PARKING LOT PLANTING

- Parking lot islands shall be planted with native canopy trees and meadow mix.
- Every ten parking spaces shall be separated by one tree island.
- Species diversity: At least 4 species shall be used per parking lot. No quantity of any given species shall comprise more than 50% of the overall quantity of trees in parking areas.
- Installation sizes: trees are to be planted as 3" caliper trees.
- Vehicular parking lots shall be screened from public streets by a 3.5' minimum height evergreen hedge or similar landscaping, wall, mound or combination thereof. Landscaping shall be planted at least 2' in average height when planted and shall conform to the height requirements within 4 years after planting.
- Tree species list: refer to Figure 18.

FIGURE 17B
FLAGSHIP DEVELOPMENT SITE -
PARKING LOT PLANTING

- Parking lot islands shall be planted with native canopy trees and meadow mix.
- To retain tree planting standards, but reduce the footprint of parking on the Flagship Site, the following standard should be met. For every twenty parking spaces one tree shall be planted on site. 50% of these required trees shall be planted in a tree island within the parking lot, spaced one island ever twenty spaces (one tree per island). The remaining 50% shall be planted around the edges of the site (not within the public ROW).
- Species diversity: At least 4 species shall be used per parking lot. No quantity of any given species shall comprise more than 50% of the overall quantity of trees in parking areas.
- Installation sizes: trees are to be planted as 3" caliper trees.
- Vehicular parking lots shall be screened from public streets by a 3.5' minimum height evergreen hedge or similar landscaping, wall, mound or combination thereof. Landscaping shall be planted at least 2' in average height when planted and shall conform to the height requirements within 4 years after planting.
- Tree species list: refer to Figure 18.
- The minimum number of parking spaces provided can be phased and determined by the developer.

FIGURE 17A
TREES AT PARKING AREAS

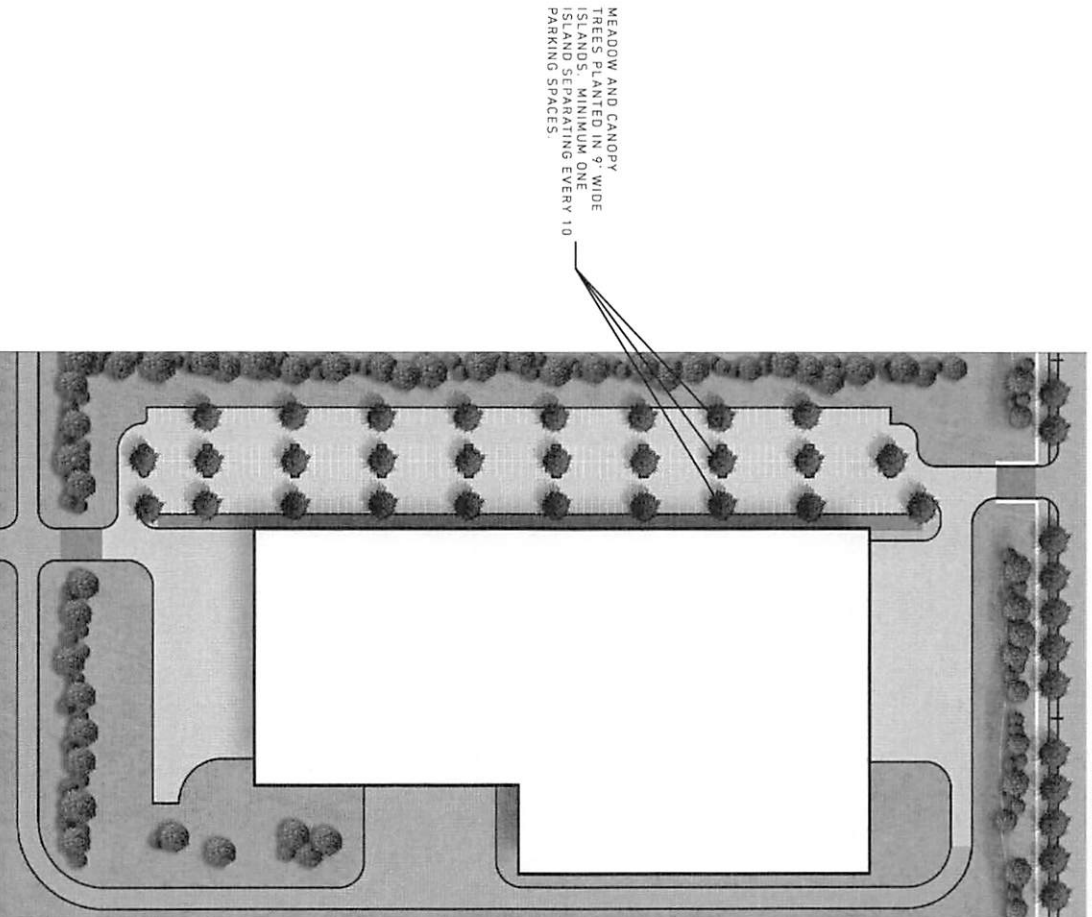


FIGURE 17B
TREES AT PARKING AREAS

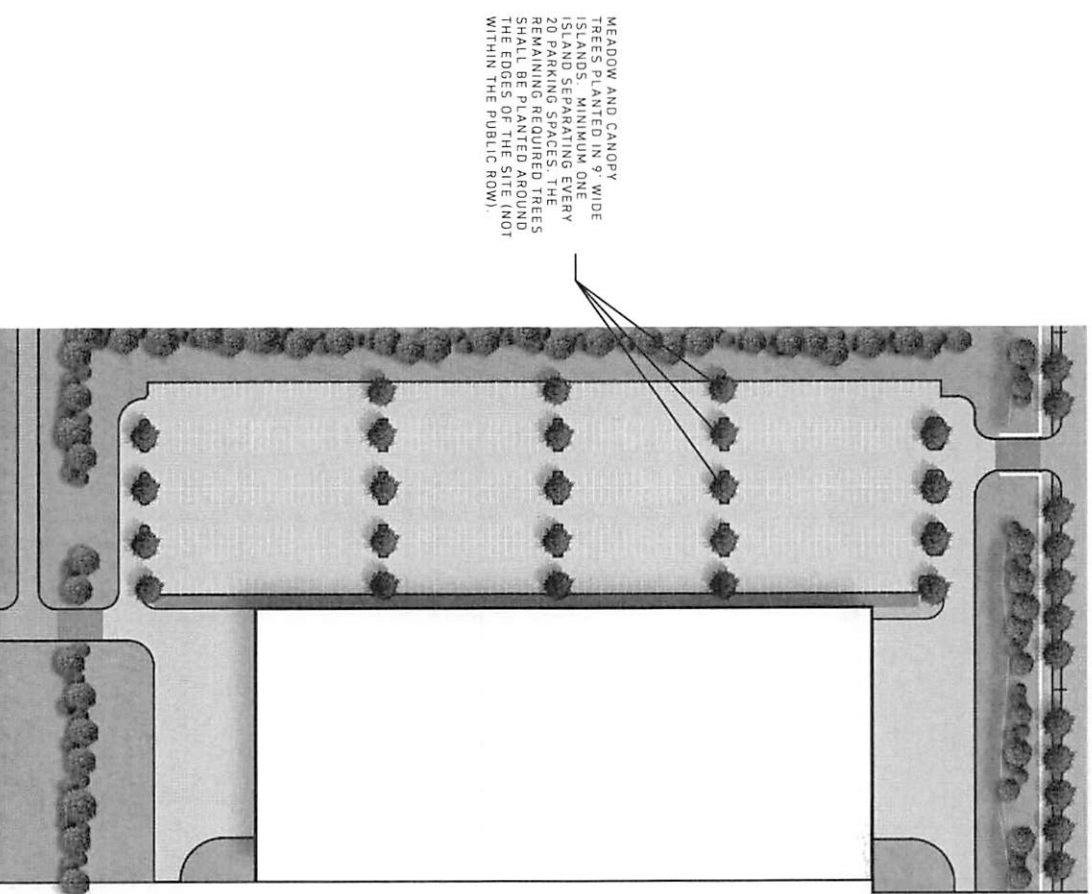


FIGURE 18
DEVELOPMENT SITE - PLANTING
GUIDELINES

- Street Trees
- Swale/Berm Plantings
 - Trees
 - Woody Shrubs
 - Meadow Mix
 - Maintained Turf Mix
- Detention Pond Plantings
 - Trees
 - Woody Shrubs
 - Wetland Mix
 - Meadow Mix
- Front Yard / Side Yard Plantings
 - Trees
 - Meadow Mix
 - Maintained Turf Mix
- Hedgerow and Side Yard Plantings
- Parking Lot Trees

FIGURE 18**Street Trees**

- North Leg (dominant): *Quercus coccinea* - scarlet oak
- North Leg (secondary): *Celtis occidentalis* - hackberry
- East Leg (dominant): *Celtis occidentalis* - hackberry
- East Leg (secondary): *Quercus bicolor* - swamp white oak
- South Leg (dominant): *Quercus rubrum* - red oak
- South Leg (secondary): *Celtis occidentalis* - hackberry

Swale/Berm Plantings

- Trees
 - *Acer nigrum* - black maple
 - *Acer saccharum* - sugar maple
 - *Aesculus flava* - yellow buckeye
 - *Asimina triloba* - common pawpaw
 - *Betula lutea* - yellow birch
 - *Carya ovata* - shagbark hickory
 - *Celtis occidentalis* - hackberry
 - *Gleditsia triacanthos* var. *inermis* - thornless honeylocust
 - *Juglans nigra* - black walnut
 - *Liquidambar styraciflua* - sweetgum
 - *Prunus serotina* - wild black cherry
 - *Quercus alba* - white oak
 - *Quercus bicolor* - swamp white oak
 - *Quercus coccinea* - scarlet oak
 - *Quercus rubrum* - red oak
 - *Robinia pseudoacacia* - black locust
 - *American linden* - basswood
- Woody Shrubs
 - *Aronia melanocarpa* - black chokeberry
 - *Comptonia peregrina* - sweetfern
 - *Diervilla lonicera* - dwarf bush-honeysuckle
 - *Rhus aromatica* - fragrant sumac
 - *Rubus odoratus* - flowering raspberry
 - *Rhus typhina* - staghorn sumac
 - *Spiraea tomentosa* - steeplebush
 - *Symphoricarpos albus* - common snowberry
 - *Vaccinium angustifolium* - lowbush blueberry
- Meadow: See Meadow Mix, this sheet.
- Maintained Turf: See Maintained Turf Mix, this sheet.

Swale/Berm Plantings_Alternates

- Trees
 - *Quercus* sp.
 - *Acer* sp.
 - *Aesculus* sp.
 - *Fagus* sp.
 - *Betula* sp.
 - *Ulmus americana*
 - *Gleditsia* sp.
 - *Gymnocladus* sp.
 - *Pinus strobus*
 - *Pinus nigra*
 - *Picea abies*
 - *Picea omorika*
 - *Juniperus virginiana*

Detention Pond Plantings

- Trees
 - *Acer rubrum* - red maple
 - *Asimina triloba* - common pawpaw
 - *Betula nigra* - river birch
 - *Gymnocladus dioica* - kentucky coffeetree
 - *Juglans nigra* - black walnut
 - *Liriodendron tulipifera* - tuliptree
 - *Nyssa sylvatica* - black gum
 - *Platanus occidentalis* - sycamore
 - *Populus deltoides* - eastern cottonwood
 - *Quercus bicolor* - swamp white oak
 - *Salix discolor* - pussy willow
 - *Taxodium distichum* - bald cypress
- Woody Shrubs
 - *Cephalanthus occidentalis* - buttonbush
 - *Clethra alnifolia* - sweet pepperbush
 - *Cornus sericea* - redosier dogwood
 - *Hamamelis virginiana* - common witchhazel
 - *Ilex verticillata* - common winterberry
 - *Myrica pensylvanica* - northern bayberry
 - *Potentilla fruticosa* - bush cinquefoil
 - *Vaccinium corymbosum* - highbush blueberry
- Wetland Shelf - plant list to be developed in consultation with wetland ecologist.
- Meadow: See Meadow Mix, this sheet.

Parking Lot Trees

- Trees
 - *Acer nigrum* - black maple
 - *Acer saccharum* - sugar maple
 - *Celtis occidentalis* - hackberry
 - *Gleditsia triacanthos* var. *inermis* - thornless honeylocust
 - *Liriodendron tulipifera* - tuliptree
 - *Platanus occidentalis* - sycamore
 - *Quercus bicolor* - swamp white oak
 - *Quercus coccinea* - scarlet oak
 - *Quercus rubrum* - red oak
- Meadow: See Meadow Mix, this sheet.

Front Yard Plantings

- Meadow Trees
 - *Aesculus flava* - yellow buckeye
 - *Fagus grandifolia* - american beech
 - *Quercus alba* - white oak
 - *Quercus macrocarpa* - bur oak
 - *Quercus muehlenbergii* - chinkapin oak
 - *Robinia pseudoacacia* - black locust
 - *Platanus occidentalis* - sycamore
- Lane Trees
 - *Ostrya virginiana* - american hophorn-beam
- Meadow: See Meadow Mix, this sheet.
- Maintained Turf: See Maintained Turf Mix, this sheet.

Hedgerow and Side Yard Plantings

- Trees
 - *Acer nigrum* - black maple
 - *Acer saccharum* - sugar maple
 - *Betula lenta* - sweet birch
 - *Carya ovata* - shagbark hickory
 - *Juglans nigra* - black walnut
 - *Prunus serotina* - wild black cherry
 - *Quercus alba* - white oak
 - *Quercus bicolor* - swamp white oak
 - *Quercus coccinea* - scarlet oak
 - *Quercus palustris* - pin oak
 - *Quercus rubrum* - red oak
- Trees at AEP easements
 - *Amelanchier laevis* - allegheny serviceberry
 - *Carpinus caroliniana* - american hornbeam
 - *Crateagus crugalli* - cockspur hawthorn
 - *Crataegus phaenopyrum* - washington hawthorn
 - *Oxydendrum arboreum* - sourwood (or sorrel tree)
- Meadow: See Meadow Mix, this sheet.
- Maintained Turf: See Maintained Turf Mix, this sheet.

Meadow Mix

- Meadow Mix shall be
 - 20% Aruba or Audubon red fescue
 - 20% J5 chewings fescue
 - 20% Ecostar hard fescue
 - 20% Marco Polo sheeps fescue
 - 20% annual ryegrass
- Application rate shall be 225 lbs per acre.
- Plant seed with "Brilliant" type landscape seeding machine that accurately places seed at specified depth and rate and rolls in single operation. Plant seed no deeper than ½ inch. Hydroseeding of meadows is not permitted.
- Plant seed with slit seeder in areas that have been previously graded and seeded with annual ryegrass for erosion control. Plant seed no deeper than ½ inch.
- Apply fertilizer at time of seeding and 30 days after seeding. Use starter fertilizer, 1-2-1, that will provide actual phosphorus of at least 1.5 lbs./1000 sq. ft.
- Maintain meadow no less than 12 months after planting.
- Mow meadow as soon as top growth is tall enough to cut. Repeat mowing to maintain specified height without cutting more than 1/3 of grass height. Remove no more than 1/3 of grass-leaf growth in initial or subsequent mowings. Do not delay mowing until grass blades bend over and become matted. Do not mow when grass is wet. Schedule initial and subsequent mowings to maintain a height of 3 1/2 to 4 inches. Do not mow after 12 months from planting completion.
- Apply 2 applications of a broad spectrum, 3-way selective herbicide to meadow within 12 month after planting. Schedule first application no earlier than 6 months after planting.

Maintained Turf Mix

- Turf Mix shall be:
 - 80% 2 of 3 Tall Fescue
 - 10% Kentucky Blue Grass
 - 10% Perennial Ryegrass
- Application rate shall be 225 lbs per acre.

General Planting Guidelines

- Trees
 - Trees over 2" shall be nursery tagged by a landscape architect. Trees under 2" shall be visually inspected with representative photographs by a landscape architect.
 - Areas of trees (not individual trees) to be planted along the road and detention ponds shall be staked for approval by a landscape architect.
 - Width of tree planting hole for trees shall be 3 times the diameter of the rootball. Bottom and sides of tree hole shall be loosened prior to planting.
 - Depth of tree planting hole shall be 1.5 times the depth of the rootball, minimum. Container grown or balled and burlapped trees shall be planted on a compacted mound of #57 stone.
 - Trunks of trees under 1" in caliper in size shall be protected with plastic wrap for a period of one year.
 - Seedlings/whips may be planted as bare root stock.
 - All sizes and grades of plant material shall be in accordance with the American Standard for Nursery Stock (latest edition), published by the American Nursery and Landscape Association standards.
- Woody Shrubs
 - Representative photos of woody shrubs shall be approved by a landscape architect.
 - Woody shrub beds shall be staked for approval by a landscape architect.
 - Shrub beds shall be a continuous excavation to the depth of the deepest rootball in the shrub bed. Bottom and sides of shrub bed excavation shall be loosened prior to planting.
 - All sizes and grades of plant material shall be in accordance with the American Standard for Nursery Stock (latest edition), published by the American Nursery and Landscape Association standards.
- Wetland Mix and Meadow Mix
 - Mixes shall be pre-packaged at the specified species percentages and applied at rates consistent with the seed supplier's recommendations.
 - Bed preparation shall be in accordance with seed supplier's recommendations.
- Planting Soils
 - Planting soils shall be a mix of three components: topsoil, organic amendment, and sand.
 - Topsoil: central Ohio topsoil with a USDA texture classification of clay loam or loam and a pH of 5.5 to 7.0.
 - Organic Amendment: composted yard debris (green waste) compost with a pH of 7.2 to 8.0
 - Sand: ASTM C33 concrete sand.
 - The three components shall be blended into a the following ratio: 4 parts sand, 2 parts topsoil, 1 part compost.

FIGURE 19
DEVELOPMENT SITE - MAINTENANCE

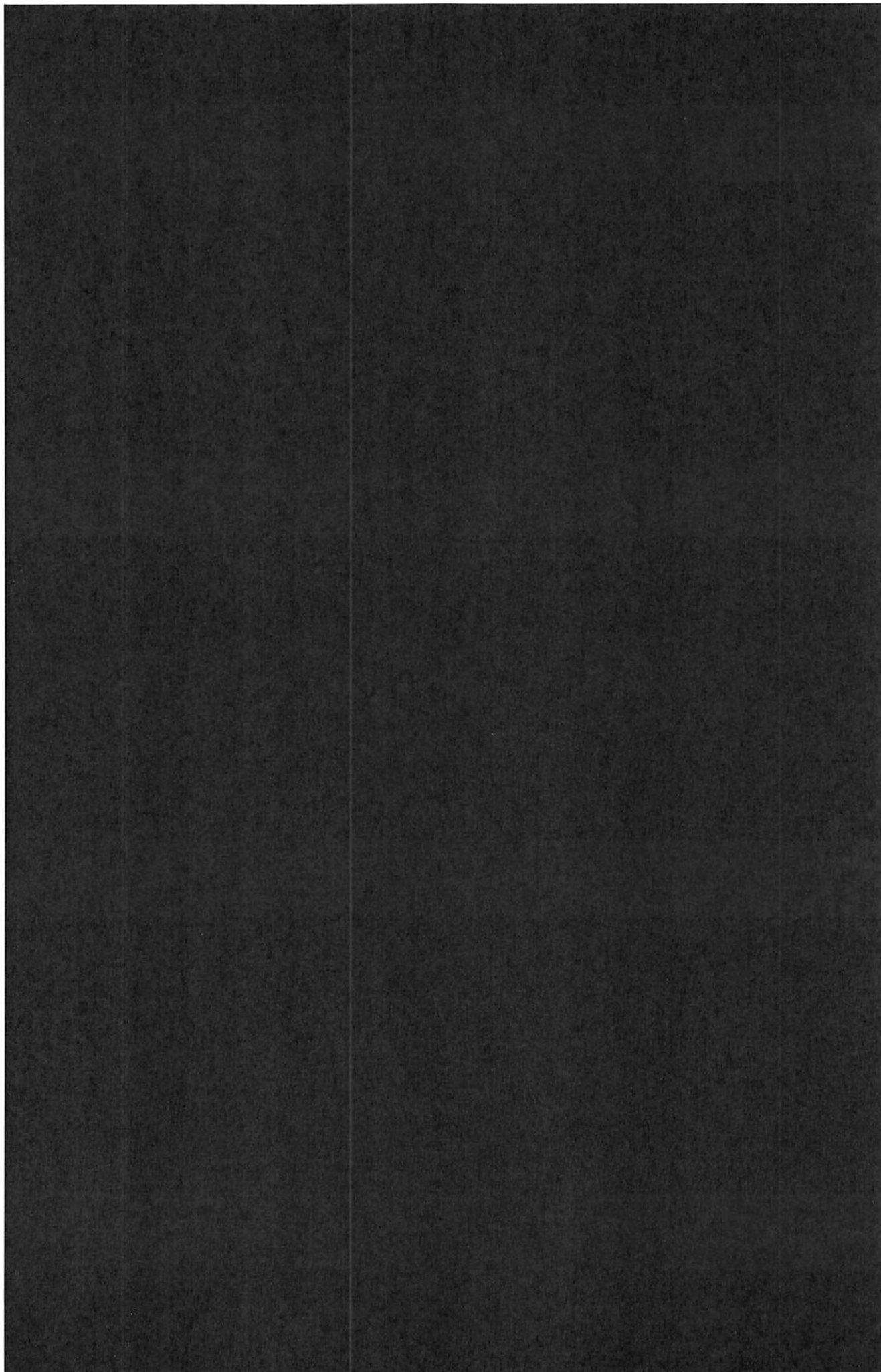
- Trees
- Shrubs
- Meadow
- Turf

FIGURE 19

Trees	
<ul style="list-style-type: none"> • January: Check trunks for rodent damage. Treat appropriately if damage is present. Selectively remove damaged limbs. Do not prune or limb-up canopy (provided temps are >32 degrees). Do not remove trees unless necessary for damage repair. Install any new container grown or B&B overgrown trees unless necessary for damage repair. Install any new container grown or B&B trees. • March: Selectively hand prune limbs to repair, remove damaged limbs, or to limb-up canopy (provided temps are >32 degrees). Do not prune overgrown trees unless necessary for damage repair. Install any new container grown or B&B trees. • April: Inspect for potential pest problems at 2 week intervals – document all findings. Remove any dead or damaged branches or limbs. • May: Hand prune as needed (see April). Closely monitor newly planted shrubs to ensure root ball has the proper moisture content. Apply mulch to free rings to 2-3" depth throughout entire tree ring. • June: Weed much tree rings as required. Continue bi-monthly inspections for pest/disease problems. Pull much 2" away from trunk to prevent mold and rotting. • July: Monitor potential weed / insect / and disease problems – control as needed. Closely monitor newly planted shrubs to ensure root ball has the proper moisture content. Pre-emergent herbicide may be used to control weeds in beds. Remove weeds from beds weekly. • August: Large shrubs should be pruned if necessary to maintain desired character (except for summer/fall flowering species). Monitor for PH as needed. Apply chemical pre-emergents as needed between 6-2,0-4". Apply time to increase PH levels between 6-2,0-4". • September: Pesticide application is not recommended at this time unless for heavy infestations. Plan for container grown shrub trees and evergreens that can be planted in the fall (Oct./Nov.). • October: Fertilize using a granular fertilizer with slow release nitrogen – a 4:1:2 ratio is appropriate for heavy infestations. Maintain a 2-3" of mulch in all shrub beds. Remove weeds from beds weekly. Remove early fall leaves and other debris from plant bed. Apply pre-emergent herbicide for control of winter annuals. • November: Monitor for weed / insect / and disease problems – control as needed. Remove diseased / damaged / or dead branches. If there's evidence of an insect infestation, dormant horticultural oils are effective as a dormant application – temperatures must be >32 for 24 hours after application to be effective. Renew mulch at shrub beds – provide 2-3" depth. 	<ul style="list-style-type: none"> • December: Monitor for signs of pest problems and desiccation from winter winds. Plants that routinely show discoloration may be treated with an application of will proof to reduce damage. More than one treatment is detrimental. Plants with recurring problems should be removed. • January: Monitor for signs of pest problems and desiccation from winter winds. Plants that routinely show discoloration may be treated with an application of will proof to reduce damage. More than one treatment is detrimental. Plants with recurring problems should be removed. • July: Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Frequency may decrease during this time due to heat stress. Treat diseases with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • September: Summer Fertilization: Labor Day. Fertilize at 1 lb nitrogen / 1000 sq. ft. as required by soil analysis. Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • October: Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • November: Remove fall leaves from turf to prevent damage. Reduce mower cutting height to 1 1/2" for last cut of the season – to reduce chance of snow mold and winter burn. Apply spot applications of broadleaf herbicides as required. • December: Complete any leaf removal to prevent damage to turf.
Shrubs	
<ul style="list-style-type: none"> • January/February: Remove wind driven leaves from shrub beds. Inspect for potential pest problems at 2 week intervals – document all findings. • April: Inspect for potential pest problems at 2 week intervals – document all findings. • May: Hand prune as needed (see April). Closely monitor newly planted shrubs to ensure root ball has the proper moisture content. Remove weeds from beds weekly. Continue bi-monthly inspections for pest/disease problems. • June: Hand prune as needed (see April). Monitor for PH as needed. Apply chemical pre-emergents as needed between 6-2,0-4". Apply time to increase PH levels between 6-2,0-4". • July: Monitor potential weed / insect / and disease problems – control as needed. Closely monitor newly planted shrubs to ensure root ball has the proper moisture content. Pre-emergent herbicide may be used to control weeds in beds. Remove weeds from beds weekly. • August: Large shrubs should be pruned if necessary to maintain desired character (except for summer/fall flowering species). Monitor for PH as needed. Apply chemical pre-emergents as needed between 6-2,0-4". Apply time to increase PH levels between 6-2,0-4". • September: Pesticide application is not recommended at this time unless for heavy infestations. Plan for container grown shrub trees and evergreens that can be planted in the fall (Oct./Nov.). • October: Fertilize using a granular fertilizer with slow release nitrogen – a 4:1:2 ratio is appropriate for heavy infestations. Maintain a 2-3" of mulch in all shrub beds. Remove weeds from beds weekly. Remove early fall leaves and other debris from plant bed. Apply pre-emergent herbicide for control of winter annuals. • November: Monitor for weed / insect / and disease problems – control as needed. Remove diseased / damaged / or dead branches. If there's evidence of an insect infestation, dormant horticultural oils are effective as a dormant application – temperatures must be >32 for 24 hours after application to be effective. Renew mulch at shrub beds – provide 2-3" depth. 	<ul style="list-style-type: none"> • December: Monitor for signs of pest problems and desiccation from winter winds. Plants that routinely show discoloration may be treated with an application of will proof to reduce damage. More than one treatment is detrimental. Plants with recurring problems should be removed. • July: Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Frequency may decrease during this time due to heat stress. Treat diseases with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • September: Summer Fertilization: Labor Day. Fertilize at 1 lb nitrogen / 1000 sq. ft. as required by soil analysis. Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • October: Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • November: Remove fall leaves from turf to prevent damage to turf. • December: Complete any leaf removal to prevent damage to turf.
Turf	
<ul style="list-style-type: none"> • January/February: Minimize salt damage along walks and drives. Remove any wind driven leaves from lawns/beds. • April: Test soil PH. Turf areas should maintain PH levels between 6.0-7.0. Apply time to increase PH as needed. Apply chemical pre-emergents as needed between 6-2,0-4". Apply time to increase PH levels between 6-2,0-4". • May: Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • June: Fertilize at 1 lb nitrogen / 1000 sq. ft. as required by soil analysis. Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • September: Summer Fertilization: Labor Day. Fertilize at 1 lb nitrogen / 1000 sq. ft. as required by soil analysis. Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • October: Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • November: Remove fall leaves from turf to prevent damage to turf. • December: Complete any leaf removal to prevent damage to turf. 	<ul style="list-style-type: none"> • December: Complete any leaf removal to prevent damage to turf. • January/February: Minimize salt damage along walks and drives. Remove any wind driven leaves from lawns/beds. • April: Test soil PH. Turf areas should maintain PH levels between 6.0-7.0. Apply time to increase PH as needed. Apply chemical pre-emergents as needed between 6-2,0-4". Apply time to increase PH levels between 6-2,0-4". • May: Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • June: Fertilize at 1 lb nitrogen / 1000 sq. ft. as required by soil analysis. Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • September: Summer Fertilization: Labor Day. Fertilize at 1 lb nitrogen / 1000 sq. ft. as required by soil analysis. Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • October: Maintain turf at 3" height by mowing as needed-removing not more than 1/3 of the blade length in a single mowing. Treat disease with appropriate fungicide if damage is extensive. Core aerate prior to fertilization / lawn renovations. Monitor turf for insect and disease problems – Grubs are typical during this month. Cut sections of lawn and examine roots for young grubs. Treatment is necessary at populations of 4 grubs / sq. ft. • November: Remove fall leaves from turf to prevent damage to turf. • December: Complete any leaf removal to prevent damage to turf.

FIGURE 20
FLAGSHIP ARCHITECTURAL
STANDARDS

- Buildings shall be required to employ a comparable use of materials on all elevations
- Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure, if they are visible from a public street right-of-way. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged.
- All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.
- Buildings and structure shall be designed to be harmonious in character to other buildings and structures within the same Flagship project or Primary Project, as applicable. Façade colors shall be coordinated to complement each other.
- 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.
- Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.





ORDINANCE O-47-2021

**AN ORDINANCE TO ACCEPT A RIGHT OF WAY DEDICATION OF
0.138 ACRES AT 5170 HARLEM ROAD AS REQUESTED BY BRUCE
HENNESSY AND SHIVKAMINI SOMASUNDARAM**

WHEREAS, the land parcel currently extends to the centerline of Harlem Road and has historically been served by a highway easement. The property owner requests to dedicate the highway easement area to the city as public right-of-way; and

WHEREAS, the city will be the recipient (grantee) of the right of way dedication of 0.138 acres; and

WHEREAS, the city engineer has reviewed the right of way dedication and has commented this dedication is appropriate; and

WHEREAS, the city will benefit from this dedication of right of way.

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 accept a right of way dedication of 0.138 as depicted on Exhibit A.

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 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 Section 121 of the Ohio Revised Code.

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 _____, 2022.

Attest:

Sloan T. Spalding

Jennifer H. Mason

Mayor

Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 11/22/2021

Introduced: 12/07/2021

Revised:

Adopted:

Effective:

PROPOSED

Exhibit A - O-47-2021

Portion above reserved for State of Ohio Auditor, Engineer and Recorder's Offices use

LIMITED WARRANTY DEED

(O.R.C. 5302.07 – 5302.08)

KNOW ALL PERSONS BY THESE PRESENTS that **Bruce Liam Hennessy and Shivkamini Somasundaram** (the "Grantors") for good and valuable consideration paid, grant, with limited warranty covenants, to the **City of New Albany**, an Ohio municipal corporation (the "Grantee"), whose tax mailing address is 99 West main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

PROPERTY: THAT CERTAIN 0.138 +/- ACRE TRACT SITUATED IN THE CITY OF NEW ALBANY, COUNTY OF FRANKLIN AND STATE OF OHIO, AND BEING MORE PARTICULARLY DESCRIBED ON **EXHIBIT A** (THE "PROPERTY") AND DEPICTED ON **EXHIBIT B** BOTH ATTACHED HERETO AND MADE A PART HEREOF.

TAX PARCEL NUMBER: PORTION OF 222-000462-00 (0.138 +/- ACRE).

INSTRUMENT REFERENCES: 201611040153376; RECORDER'S OFFICE; FRANKLIN COUNTY, OHIO.

The grant of the Property is subject to easements, conditions, covenants, restrictions and reservations of record, zoning ordinances and legal highways, and real estate taxes and assessments not yet due and payable.

THE REAL PROPERTY DESCRIBED IN EXHIBITS "A" and "B" IS INTENDED BY GRANTEE TO BE HELD FOR PUBLIC RIGHT OF WAY.

IN WITNESS WHEREOF, Grantors voluntarily caused this instrument's execution on this 22 day of November, 2021.

GRANTORS

Bruce Liam Hennessy

Signature: 

Shivkamini Somasundaram

Signature: 

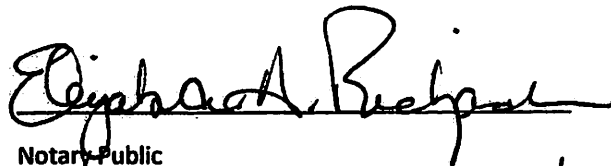
{ACKNOWLEDGEMENT ON THE FOLLOWING PAGE}

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED that on this 22 day of November 2021 before me, the subscriber, a Notary Public in and for said County, personally came the above named GlumacBruce Liam Hennessy and Shivkamini Somasundaram, Grantors in the foregoing Limited Warranty Deed, and acknowledged the signing of the same to their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.




Notary Public

My commission expires: 3.14.2024

This Instrument Prepared By:
Mitchell H. Banchefsky
City of New Albany Law Director
99 West Main Street, P.O. Box 188
New Albany, Ohio 43054

**PRELIMINARY APPROVAL**

Cornell R. Robertson, P.E., P.S.

BY: gantonini
11/03/2021**PENDING ORIGINALS**

*Submitted via digital format

Please return this approval, along with the original description and plat of survey, as prepared by the surveyor, signed, sealed and dated in blue ink.

**LEGAL DESCRIPTION
0.138 ACRES
ACQUISITION OF RIGHT-OF-WAY
November 2, 2021**

Situated in the State of Ohio, County of Franklin, City of New Albany, being a part of Section 3, Township 2, Range 16, United States Military Lands, and being a division out of the property conveyed to Bruce Liam Hennessy and Shivkamini Somasundaram by Instrument Number 201611040153376, all records of the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning for Reference at a 3/4" Pipe Found at the southwest corner of Lot 11 and westerly corner of Lot 12, both as shown on the plat of THE NEW ALBANY COUNTRY CLUB SECTION 6B as recorded in Plat Book 85, Page 13, being in the northerly line of Lot 10, as shown on the plat of THE NEW ALBANY COUNTRY CLUB SECTION 1 as recorded in Plat Book 73, Page 65, said point also being the southeast corner of said Hennessy/Somasundaram property;

Thence along the southerly line of said Hennessy/Somasundaram property, the northerly line of said Lot 10, and the northerly line of the property conveyed to Bala Chitrabanu by Inst. No. 201907120085264, **North 86 degrees 01 minutes 42 seconds West, 435.57 feet** to an Iron Pin Set at the **True Point of Beginning** for the parcel herein described;

Thence continuing along the southerly line of said Hennessy/Somasundaram property, and the northerly line of said Chitrabanu property, **North 86 degrees 01 minutes 42 seconds West, 30.59 feet** to a Mag Nail Set in the centerline of Harlem Road (40' wide), said point being the southwest corner of said Hennessy/Somasundaram property, the northwest corner of said Chitrabanu property, and the southeast corner of the property conveyed to 5171 Harlem Road LLC by Inst. No. 201706280088020, passing a 5/8" Rebar Found at 8.17 feet, and the existing easterly right-of-way line of Harlem Road at 10.30 feet;

Thence along the centerline line of said Harlem Road, the westerly line of said Hennessy/Somasundaram property, and the easterly line of said 5171 Harlem Road LLC property, and the easterly line of the property conveyed to Angela and Dean A. Haldeman by Inst. No. 201906040065517, **North 07 degrees 19 minutes 42 seconds West, 200.73 feet** to Mag Nail Set at the northwest corner of said Hennessy/Somasundaram property, and the southwest corner of the property conveyed to Thomas J. and Diane Ellis by Inst. No. 201606090072311;

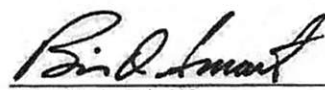
Thence along the northerly line of said Hennessy/Somasundaram property, and the southerly line of said Ellis property, **South 86 degrees 01 minutes 42 seconds East, 30.59 feet** to an Iron Pin Set, passing the existing easterly right-of-way line of Harlem Road at 20.59 feet;

Thence crossing said Hennessy/Somasundaram property, **South 07 degrees 19 minutes 42 seconds East, 200.73 feet** to the **True Point of Beginning**, containing 0.138 acres, more or less, of which 0.092 acres lie within the existing road right-of-way. Subject to all, legal, easements, right-of-ways, conditions, and restrictions.

Being out of Franklin County Auditor's Parcel No. 222-000462.

All Iron Pins Set are 5/8" x 30" rebar with yellow cap labeled Smart Services. BEARINGS SHOWN HEREON ARE BASED UPON STATE PLANE COORDINATE SYSTEM OHIO SOUTH ZONE NAD83(2011), AS ESTABLISHED BY GPS OBSERVATION, AND ARE INTENDED TO BE USED ONLY TO DETERMINE ANGLES. A BEARING OF NORTH 86 DEGREES 01 MINUTES 42 SECONDS WAS HELD FOR THE SOUTH LINE OF THE SUBJECT PROPERTY.

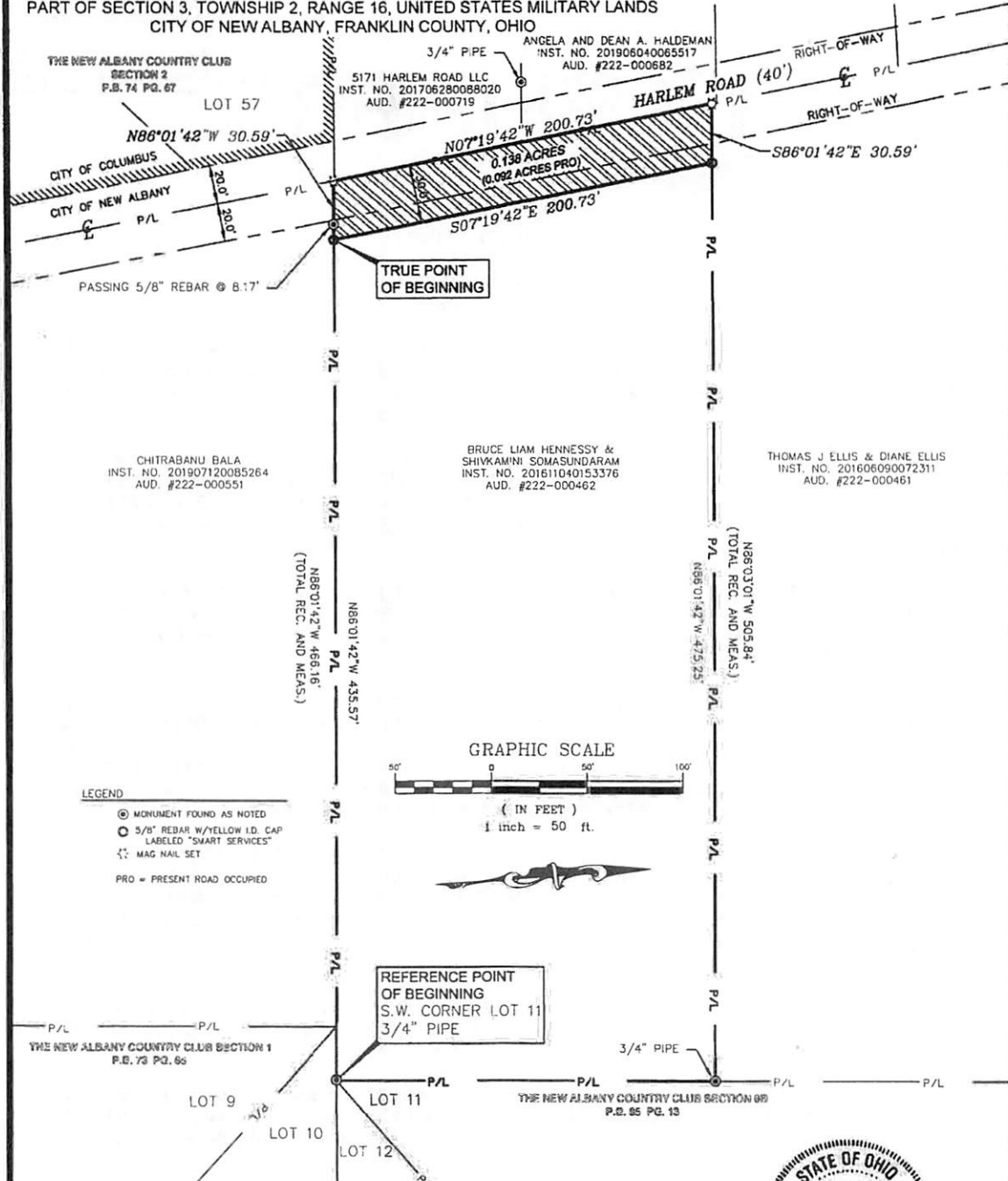
This description was prepared by Brian D. Smart, Registered Surveyor No. 7611, of Smart Services, Inc. on November 2, 2021 and is based upon actual field measurements performed by Smart Services, Inc. in August 2021.


Brian D. Smart, P.S.
Registered Surveyor No. 7611



AQUISITION OF RIGHT-OF-WAY

PART OF SECTION 3, TOWNSHIP 2, RANGE 16, UNITED STATES MILITARY LANDS
CITY OF NEW ALBANY, FRANKLIN COUNTY, OHIO



BASIS OF BEARING: BEARINGS SHOWN HEREON ARE BASED UPON STATE PLANE COORDINATE SYSTEM OHIO SOUTH ZONE NAD83(2011), AS ESTABLISHED BY GPS OBSERVATION, AND ARE INTENDED TO BE USED ONLY TO DETERMINE ANGLES. A BEARING OF NORTH 86 DEGREES 01 MINUTES 42 SECONDS WAS HELD FOR THE SOUTH LINE OF THE SUBJECT PROPERTY.

PERTINENT DOCUMENTS: 1. DEEDS TO SUBJECT PROPERTY AND ADJACENT PROPERTIES AS SHOWN 2. SUBDIVISION PLATS AS SHOWN 3. SURVEYS, BY OTHERS, FOUND AT COUNTY ENGINEER'S OFFICE

THIS PLAT WAS PREPARED BY SMART SERVICES, INC. AND IS A TRUE AND ACCURATE REPRESENTATION, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, OF A SURVEY MADE BY SAME IN JUNE 2021.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE POLICY; ALL OWNERSHIP SHOWN IS BASED UPON RECORD DATA ACQUIRED AT THE TIME OF SURVEY. NO GUARANTEE IS PLACED UPON ACTUAL OWNERSHIP OF ANY PROPERTY.

EASEMENTS MAY EXIST ON SUBJECT PROPERTY THAT WOULD BE REVEALED IN A TITLE EXAMINATION.

PRELIMINARY APPROVAL
Cornell R. Robertson, P.E., P.S.

BY: gantonini
11/03/2021

PENDING ORIGINALS

*Submitted via digital format
Please return this approval, along with the original description and plat of survey, as prepared by the surveyor, signed, sealed and dated in blue ink.

DRAWN BY: M CAMPBELL	DATE: NOV. 2, 2021
CHECKED BY: B. SMART	DRAWING NO.: 734601.DWG
JOB NO.: 734601	SHEET 1 OF 1



Brian D. Smart
BRIAN D. SMART OHIO REG. SURVEYOR NO. 7611

PREPARED BY
SMART
SURVEYING-ENGINEERING-ENVIRONMENTAL
SERVICES S
818 DAVIS STREET NEWARK, OHIO 43055
PHONE (740) 345-4200 FAX (740) 322-4700



ORDINANCE O-48-2021

APPROPRIATION AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NEW ALBANY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021

WHEREAS, it is necessary to increase and/or transfer expenditure appropriations within multiple funds to ensure expenditures do not exceed appropriations;

WHEREAS, it is necessary to reduce certain expenditure appropriations in multiple funds at year end to ensure that funds are not over appropriated; and

WHEREAS, it is the city's intention to stay in compliance with all Ohio Revised Code budgetary requirements.

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

Section 1. Council hereby authorizes the following amendments to appropriations for the year ended December 31, 2021:

Fund	Department	Category	Increase/ (Decrease)
401 - Capital Improvement	N/A	Capital	\$ (2,400,000)
904 - Subdivision Development	Community Development	Operating & Contractual Services	700,000
907 - Builder's Escrow	Community Development	Operating & Contractual Services	800,000
Total Appropriation Amendments			\$ (900,000)

Section 2. Council hereby authorizes the finance director to make transfers as needed between appropriation line items of funds in order to bring expenditures in line with appropriation line items and restore appropriations reduced within this ordinance if necessary to bring expenditures in line with appropriation line items.

Section 3. Council hereby authorizes the finance director to increase appropriations as needed up to \$100,000 in order to accommodate unforeseen expenditures and ensure amounts are within appropriations.

Section 4. Council hereby authorizes the finance director to adjust appropriations within the following funds in accordance with actual receipts received in 2021 to ensure compliance with ORC 5705.36(A)(4) for the fiscal year ended December 31, 2021:

Fund
223 - Oak Grove Economic Opportunity Zone
224 - Central College Economic Opportunity Zone
225 - Oak Grove II Economic Opportunity Zone
226 - Blacklick Economic Opportunity Zone
239 - Straits Farm TIF
240 - Oxford TIF
241 - Schleppi Residential TIF
259 - Village Center II TIF
280 - Hotel Excise Tax

Section 5. Council hereby authorizes the finance director to reduce appropriations within any fund to ensure compliance with ORC 5705.36(A)(4) for the fiscal year ended December 31, 2021 so long as compliance with ORC 5705.40 and ORC 5705.41 is maintained.

Section 6. 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 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 Section 121 of the Ohio Revised Code.

Section 7. Pursuant to Article VI, Section 6.07(A) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 11/28/2021
Introduced: 12/07/2021
Revised:
Adopted:
Effective:



ORDINANCE O-49-2021

AN ORDINANCE TO PERMIT COUNCIL MEMBERS TO ATTEND COUNCIL MEETINGS VIRTUALLY UNDER LIMITED CIRCUMSTANCES

WHEREAS, during the past year, council and its various boards and commissions conducted electronic virtual public meetings pursuant to temporary legislation passed by the General Assembly that has now expired; and

WHEREAS, the experience gained over the past year has shown that virtual participation during public meetings, utilizing modern telecommunications technology, can serve as a viable alternative to attending in-person.; and

WHEREAS, Sections 2.02 and 2.03 of the New Albany Revised Charter, entitled *Exercise of Powers* and *Construction of Powers*, respectively provide council with the authority to enable its members to attend meetings virtually; and

WHEREAS, authorizing council members to attend meetings virtually under limited circumstances will enable council members to participate when sickness, health concerns, family responsibilities, travel, or work obligations might prevent them from being able to attend in-person.

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

Section 1. Council members shall be permitted to virtually attend council meetings under the limited circumstances set forth herein.

- A. No such virtual attendance by a council member shall be permitted unless at least four (4) council members are attending the council meeting in-person; and
- B. No council member shall be permitted to virtually attend more than two (2) meetings a year, unless otherwise approved by council upon a showing of good cause.

Section 2. Any ordinance, resolution, motion, rule, decision, or formal action of any kind shall have the same effect as if it had occurred during a council meeting in which all participating council members attended in-person.

Section 3. For the purposes of Article V, Section 5.03(A)(5) of the New Albany Revised Charter, a council member attending virtually shall be considered excused, provided such virtual attendance is otherwise in compliance with the terms and provisions of this ordinance.

Section 4. The authority granted in this ordinance applies notwithstanding any conflicting provision of the Revised Code. Nothing in this ordinance shall be construed to negate any provision of Section 121.22, or, Chapter 119 of the Revised Code, or other section of the Revised Code that is not in conflict with this ordinance.

Section 5. The Council Rules of Procedure shall be amended in accordance with this ordinance.

Section 6. 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 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 7. Pursuant to Article VI, Section 6.07 of the Charter of the City of New Albany, this ordinance shall be effective on and after the earliest period allowable by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 11/29/2021

Introduced: 12/14/2021

Revised:

Adopted:

Effective:



RESOLUTION R-59-2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE ROSE RUN II PROJECT

WHEREAS, in 2018, the city undertook a competitive and qualifications-based selection process to procure a construction manager at risk for the Rose Run Park project, and a selection committee found Messer Construction as the successful offeror based on qualifications and a Technical and Fee Proposal; and

WHEREAS, on November 9, 2018, city council approved R-46-2018 authorizing the city manager to enter into Construction Manager at Risk (CMR) contract with Messer Construction for the purposes of constructing Rose Run Park; and

WHEREAS, Messer Construction delivered the park on time and under budget. They demonstrated an unparalleled level of quality control and customer service while working under an accelerated schedule; and

WHEREAS, council has budgeted for the design of a subsequent phase of Rose Run Park, known as Rose Run II (the project); and

WHEREAS, Messer Construction will honor the contractual terms and fee proposal of the first phase, providing favorable pricing for this phase of the project; and

WHEREAS, execution of a contract will enable the CMR to provide pre-construction services for the project and will allow for a faster delivery of the project between the design and construction phases; and

WHEREAS, the contract enables the CMR to submit a Guaranteed Maximum Price (GMP) once project design reaches 90% completion; and

WHEREAS, once the GMP is established, council will be presented with additional legislation authorizing the city manager to enter into a Guaranteed Maximum Price Amendment to the contract. Prior to the execution of this Amendment, the city may terminate the CMR contract without cause; and

WHEREAS, the CMR construction delivery method is exempt from the city's traditional competitive bidding requirements under Section 123.121 of the New Albany Codified Ordinances.

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 above, the city manager is hereby authorized to enter into a CMR contract with Messer Construction under the procedures established previously by the city manager and approved by council for Rose Run I.

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 _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 11/17/2021
Introduced: 02/07/2021
Revised:
Adopted:
Effective:



RESOLUTION R-60-2021

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE BI-ANNUAL REVENUE SHARING PAYMENTS TO PLAIN TOWNSHIP IN AMOUNTS EQUAL TO THOSE THE TOWNSHIP WOULD HAVE RECEIVED FROM PROPERTY TAX LEVIES FOR FIRE AND EMERGENCY MEDICAL SERVICES IN THE ABSENCE OF TAX INCREMENT FINANCING DISTRICTS CREATED FOR THE BLACKLICK TIF AND THE BLACKLICK II FOREST DRIVE TIF AS AMENDED

WHEREAS, council recognizes the importance and value of the fire and emergency medical services that Plain Township provides to New Albany residents and desires to help the township sustain those services; and

WHEREAS, the New Albany and Plain Township have a long history of cooperation on matters relating to economic and community development; and

WHEREAS, the city has a history of compensating the township for fire and EMS revenues that would have been received if not for the establishment of Tax Increment Financing (TIF) Districts in the city; and

WHEREAS, the Blacklick TIF District was created via Ordinance 0-10-99, and subsequently amended via Ordinance O-27-99, and a TIF district known as Blacklick II Forest Drive TIF district was created by Ordinance O-17-20, and these TIF Districts did not include a compensation provision for township fire and EMS 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. The director of finance is hereby authorized to make semi-annual payments to Plain Township in amounts equal to those that would have been received by the township from fire and EMS levies if not for the city's establishment of TIF districts known as the Blacklick TIF District and the Blacklick II Forest Drive TIF district, referenced above.

Section 2. The city manager is hereby authorized to execute any documents associated with the implementation of this legislation, including amending the related TIF Reimbursement Agreements dated July 15, 1999, September 28, 2016, August 21, 2018 and September 6, 2018 between the city and township to reflect this ordinance.

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 Section 121 of the Ohio Revised Code.

Section 4. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 11/18/2021

Introduced: 12/07/2021

Revised:

Adopted:

Effective:



RESOLUTION R-61-2021

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE CITY OF NEW ALBANY WITH FISHEL DOWNEY ALBRECHT & RIEPENHOFF LLP TO PROVIDE INTERIM LAW DIRECTOR SERVICES TO THE CITY

WHEREAS, the City of New Albany is in need of a director of law (a.k.a. law director) to be the prosecuting attorney and legal counsel for the city, to represent the city in all proceedings in court or before any administrative board or body, and to perform other duties as required in accordance with New Albany City Council Charter Section 8.04(b), by city legislation, by council, or by the city manager; and

WHEREAS, the City of New Albany wishes to engage Fishel Downey Albrecht & Riepenhoff LLP to perform general legal services and serve as the interim New Albany Director of Law; and

WHEREAS, Benjamin Albrecht, and other attorneys as may be necessary, of Fishel Downey Albrecht & Riepenhoff LLP are qualified and willing to perform these services; and

WHEREAS, it is anticipated the interim law director services will require approximately 40 to 50 hours per month; and

WHEREAS, it is the city's desire to contract with Fishel Downey Albrecht & Riepenhoff LLP through a professional services contract in the capacity of law director effective January 1, 2022 through March 31, 2022 or until such time that the city manager can complete the selection and recommendation process for a new law director.

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

Section 1: The city manager is hereby authorized to execute a professional services contract with Fishel Downey Albrecht & Riepenhoff LLP, the same or substantially similar to the attached Exhibit A, to serve as New Albany Director of Law and to provide legal services to the City of New Albany for the period of January 1, 2022, through March 31, 2022 or until such time that the City Manager can complete the selection and recommendation process for a new director of law.

Section 2: It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of 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 _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 11/24/2021

Introduced: 12/07/2021

Revised:

Adopted:

Effective:



**FISHEL DOWNEY
ALBRECHT & RIEPENHOFF LLP™**
Attorneys at Law

7775 Walton Parkway
Suite 200
New Albany, Ohio 43054
(614) 221-1216 PH
(614) 221-8769 FX
www.fisheldowney.com

**AGREEMENT BETWEEN THE CITY OF NEW ALBANY
AND FISHEL DOWNEY ALBRECHT & RIEPENHOFF LLP
FOR INTERIM LAW DIRECTOR SERVICES**

Contract for Services between the City of New Albany, an Ohio Municipal Corporation, (New Albany) and Fishel Downey Albrecht & Riepenhoff LLP (FDAR) effective the 1st day of December 2021.

WITNESSETH:

WHEREAS, New Albany wishes to engage FDAR to perform general legal services and serve as the interim New Albany Law Director; and

WHEREAS, Benjamin Albrecht, and other attorneys as may be necessary, of FDAR are qualified and willing to perform these services;

WHEREAS, it is anticipated the interim Law Director services will require approximately forty (40) to fifty (50) hours per month;

NOW, THEREFORE, intending to be bound by this Agreement, the parties agree as follows:

1. **Routine Services.** Except as otherwise provided herein, beginning January 1, 2022, New Albany agrees to pay Ten Thousand Dollars (\$10,000.00) per month for approximately 40-50 hours of legal services per month, and FDAR agrees to provide the following Routine Services:
 - a. Attend all regular and special Council meetings.
 - b. Attend other board and commission meetings upon the request of the City Manager.
 - c. Draft and/or revise ordinances and resolutions upon request of the Clerk of Council or City Manager.
 - d. Draft routine legal memoranda as requested by the City Manager, staff and/or Council.
 - e. Provide legal advice to City officials as necessary.
 - f. Respond to City Manager and staff inquiries.



**FISHEL DOWNEY
ALBRECHT & RIEPENHOFF LLP™**
Attorneys at Law

7775 Walton Parkway
Suite 200
New Albany, Ohio 43054
(614) 221-1216 PH
(614) 221-8769 FX
www.fisheldowney.com

- g. Attend meetings and discussions with City, County, State and Federal officials and other governmental officials.
- h. Attend meetings with the development community and staff.
- i. Review and approve all contracts, ordinances, resolutions and any other written documents.
- j. Coordinate with special legal counsel.
- k. Attend Mayor's Court on behalf of New Albany.

New Albany hereby designates Benjamin S. Albrecht, an attorney with FDAR, the interim Law Director, who shall be the primarily responsible attorney and contact person for New Albany.

New Albany shall reimburse FDAR for any and all reasonable costs and expenses incurred by FDAR on behalf of New Albany.

- 2. **Mayor's Court/December 2021.** New Albany agrees to pay FDAR Five Thousand Dollars (\$5,000) for the month of December 2021 in the event it is necessary for attorneys from FDAR to acclimate to matters related to Mayor's Court with the current Law Director.
- 3. **Term.** This Agreement shall take effect and be in force from December 1, 2021 through March 31, 2022. In the event the permanent Law Director is not selected by New Albany prior to March 31, 2022, this Agreement shall continue month-to-month until a permanent Law Director is selected by New Albany. However, either Party may terminate this Agreement upon providing thirty (30) days prior notice of its intent to terminate to the other Party.
- 4. **Miscellaneous Provisions.**
 - a. **Additional Projects.** Subject to agreement of both Parties, FDAR may undertake Additional Projects on a flat fee or hourly basis, which are outside of the scope of Routine Services, as agreed to by the City Manager and interim Law Director.
 - b. **Applicable Laws.** FDAR shall comply with all applicable foreign, federal, state, and local laws, rules, regulations, orders, ordinances and government requirements in the performance of this Agreement.



**FISHEL DOWNEY
ALBRECHT & RIEPENHOFF LLP™**
Attorneys at Law

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Suite 200
New Albany, Ohio 43054
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(614) 221-8769 FX
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- c. **Waiver.** No delay or failure on the part of any Party hereto in exercising any right, power, or privilege under this Agreement or under any other instruments given in connection with or pursuant to this Agreement shall impair any such right, power, or privilege or be construed as a waiver of any default or any acquiescence therein. No single or partial exercise of any such right, power, or privilege shall preclude the further exercise of such right, power, or privilege, or the exercise of any other right, power or privilege.
- d. **Severability.** If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable to any extent, such provision shall be enforced to the greatest extent permitted by law and the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.
- e. **Parties in Interest.** This Agreement is enforceable only by FDAR and New Albany. The terms of this Agreement are not a contract or assurance regarding compensation, continued employment, or benefit of any kind to any of FDAR's personnel assigned to New Albany's work, or any beneficiary of any such personnel, and no such personnel, or any beneficiary thereof, shall be a third-party beneficiary under or pursuant to the terms of this Agreement.
- f. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of Ohio without regard to its conflict of law principles.
- g. **Entire Agreement.** This Agreement constitutes the entire understanding of the Parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the Parties. This Agreement may be amended or modified only by a writing executed by the duly authorized officers of the Parties hereto.
- h. **Assignment.** This Agreement may not be assigned or transferred in whole or in part by either Party without the written consent of the other. Any purported assignment without the express written consent of the other is void.
- i. **Independent Contractor Status.** The Parties agree that services hereunder are provided by an independent contractor, and that no contributions will be made to the public employees retirement system for the services, as addressed in Section 145.038, Ohio Revised Code. This Agreement is, and is intended to be, a formal bilateral written contract between the parties as required by Section 145-1-42 (B).



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IN WITNESS WHEREOF, the Parties have executed this Agreement.

**FISHEL DOWNEY ALBRECHT
& RIEPENHOFF LLP:**

CITY OF NEW ALBANY:

Benjamin S. Albrecht, Partner

Joe Stefanov, City Manager