



ORDINANCE O-12-2021

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 13.193 +/- ACRES OF LAND LOCATED AT 12746 COBBS ROAD FOR AN AREA TO BE KNOWN AS THE “MINK INTERCHANGE EXPANSION ZONING DISTRICT” FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) AS REQUESTED BY MBJ HOLDINGS LLC., c/o AARON UNDERHILL, ESQ.

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

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

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

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

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

A. A 13.193 ± acre area of land located at 12746 Cobbs Road (PID: 035-107400-09.000) for an area to be known as the “Mink Interchange Expansion Zoning District” from its current zoning of Agricultural District (AG) to Limited General Employment District (L-GE).

B. The zoning district’s limitation text and boundary map 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, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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 06 day of April, 2021.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchersky
Law Director

Legislation dates:	
Prepared:	03/03/2021
Introduced:	03/16/2021
Revised:	
Adopted:	04/06/2021
Effective:	05/06/2021

MINK INTERCHANGE ZONING DISTRICT EXPANSION

LIMITATION (L-GE) TEXT

MARCH 2, 2021

I. SUMMARY:

A. Introduction: The applicant, MBJ Holdings, LLC, is in contract to purchase 13.193+/- acres of real property located to the north of and adjacent to Cobbs Road and generally to the west of the Mink Street interchange in Licking County. Concurrently with this zoning, the applicant and the property owner are pursuing the annexation of this land to the City. This zoning text will govern the use and development of this property.

The applicant owns property to the north and northwest of and adjacent to the property that is the subject of this application. These adjacent parcels were zoned upon their annexation approximately five years ago into the Mink Interchange Zoning District. That zoning allows two types of uses: Retail and service-related uses which are typically located near a freeway interchange, and GE, General Employment District uses as provided in the Codified Ordinances, with limitations and requirements as set forth in a zoning text. This rezoning is intended to extend only the GE, General Employment use rights from the Mink Interchange Zoning District to the property that is included in the current application, and does not propose to extend the retail and service-related use rights which apply to the previously created zoning district. The development standards contained in this text are meant to serve as an extension of the development standards that currently apply to the adjacent parcels.

II. DEVELOPMENT STANDARDS: Unless otherwise specified in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this zoning district. 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.

A. Permitted Uses: Permitted uses in this zoning district shall include the permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE, General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

1. Industrial product sales (See Section 1153.03(a)(1));
2. Industrial service (See Section 1153.03(a)(2));
3. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition applies only to such facilities that are made available for rental to the general public.
4. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
5. Vehicle services (See Section 1153.03(b)(4));
6. Radio/television broadcast facilities (See Section 1153.03(c)(1)); and
7. Sexually-oriented businesses (See Section 1153.03(c)(3)).
8. Off-premises signs (See Section 1153.03(c)(2)).

B. Setbacks; Lot Coverage:

1. State Route 161/Cobbs Road: There shall be a minimum pavement and building setback of 90 feet from the State Route 161 and Cobbs Road right-of-way.
2. Perimeter Setbacks: There shall be a minimum pavement and building setback of 50 feet from the western perimeter boundary of this zoning district. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the eastern perimeter boundary of this zoning district. There shall be a minimum pavement and building setback of 25 feet from all other perimeter boundaries of this zoning district.
3. Elimination of Setbacks: In the event that a parcel located within this zoning district and an adjacent parcel located outside of this zoning district (a) come under common ownership or control, (b) are zoned to allow compatible non-residential uses, and (c) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text shall no longer apply with respect to these parcels.
4. Lot Coverage: There shall be a maximum lot coverage of 75% in this subarea.

C. Architectural Standards:

1. Building Height: The maximum building height for structures shall not exceed 65 feet, subject to Section 1165.03 of the Codified Ordinances.
2. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.
3. Building Design:
 - a. Building designs shall not mix architectural elements or ornamentation from different styles.
 - b. Buildings shall be required to employ a comparable use of materials on all elevations.
 - c. 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.
 - d. 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.
 - e. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.
 - 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.

h. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front in a public right-of-way.

4. Building Form:

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

b. 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.

5. Materials:

a. 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, and 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. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

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

c. Generally, the quantity of materials selected for a building shall be minimized.

d. 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.

e. 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.

f. Additional Standards for Uses Not Governed by DGRs: 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 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 this zoning district.

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

i. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.

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

iii. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

iv. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

v. 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.

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

1. Right-of-Way: No additional public street right-of-way shall be required to be dedicated to the City from this zoning district.

2. Access Points: The number, locations, and spacing of curbcuts on public rights-of-way shall be determined and approved prior to the issuance of a certificate of appropriateness for each development project in this zoning district. Primary vehicular access to and from this Zoning District shall occur from Innovation Campus Way if property within this Zoning District is combined into a single parcel with adjacent property located to the north or east which has frontage on Innovation Campus Way. In this circumstance, secondary vehicular access to and from this Zoning District may occur from Cobbs Road. Should such a combination of properties not occur, then primary vehicular access to and from this Zoning District shall be from Cobbs Road.

3. Parking and Loading: Parking and loading spaces shall be provided for each use as per Chapter 1167 of the Codified Ordinances of the City of New Albany.

E. Buffering, Landscaping, Open Space, and Screening: A landscaping plan shall be approved as part of the City's review of a certificate of appropriateness application for each portion of this subarea that is proposed for development. The following landscaping requirements shall apply to this Zoning District:

1. Tree Preservation: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

2. Screening of Parking: A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of 4 feet and a minimum opacity of 75%. A four-board white horse fence may be located within or near the right-of-way along Cobbs Road.

3. Stormwater Management: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.

4. Street Trees: A street tree row shall be established along Cobbs Road at a rate of one tree per 30 feet of road frontage. Street tree locations shall be shown on certificate of appropriateness plans for City review and approval. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

5. Pedestrian Circulation: An 8-foot-wide asphalt leisure trail shall be provided along the

zoning district's frontage on Cobbs Road unless a fee-in-lieu of constructing the leisure trail is paid to the City after being approved in accordance with relevant procedures in the Codified Ordinances.

6. Minimum On-Site Tree Sizes: Unless otherwise set forth in this zoning text, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Street trees may be grouped or regularly spaced. Minimum street tree size at installation shall be three (3) caliper inches. Caliper shall be measured six (6) inches above grade.

F. Lighting:

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide, or may be LED if the LED lighting temperature is at least 4,000 Kelvin and no more than 6,000 Kelvin to ensure that the lighting color is white.

3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.

4. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

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

6. All other lighting on the site shall be in accordance with City Code.

7. Street lighting must meet City standards and specifications.

G. Signage: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany, unless otherwise stated below.

H. Utilities: All new utilities installed solely to serve this Zoning District shall be installed underground.

Legal Description

13.193 ACRES

TO: CITY OF NEW ALBANY

FROM: JERSEY TOWNSHIP

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>[Signature]</i>
DATE:	11-13-20

Situated in the State of Ohio, County of Licking, Township of Jersey, in Section 14, Quarter Township 3, Township 2, Range 15, United States Military Lands, being part of that 14.510 acre tract of land conveyed to Edward L. Bright and Debbi S. Bright by deed of record in Official Record 318, Page 627, (all references refer to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of State Route 161 and Mink Street (County Road 41);

Thence North 88° 33' 16" West, with the centerline of said State Route 161, a distance of 1245.01 feet to the southeasterly corner of that 0.337 acre tract conveyed as Parcel 70-WL to the State of Ohio by deed of record in Instrument Number 200703150006591, the southwesterly corner of that 1.488 acre tract conveyed as Parcel 73-WL to the State of Ohio by deed of record in Instrument Number 200805160011426;

Thence North 03° 26' 31" East, with the common line of said 0.337 acre and 1.488 acre tracts, and with the common line of that 0.160 acre tract conveyed as Parcel 70-WDV to Licking County by deed of record in Instrument Number 200703150006591 and that 0.585 acre tract conveyed as Parcel 73-WDV to Licking County by deed of record in Instrument Number 200805160011426, partly with the existing City of New Albany corporation line (as established by Ordinance Number O-13-2016, of record in Instrument Number 201608100016925), a distance of 231.14 feet to a ¼ inch rebar found at the northeasterly corner of said 0.160 acre tract, in the westerly line of that 6.255 acre tract conveyed to Mink Corner Holdings LLC by deed of record in Instrument Number 201406090010252, in the northerly limited access right of way line of Cobbs Road, the TRUE POINT OF BEGINNING for this description.

Thence North 83° 38' 47" West, with said limited access right of way line, a distance of 50.49 feet to a ¼ inch iron pipe found at the northeasterly corner of that 0.627 acre tract conveyed as Parcel 69-WDV to Licking County by deed of record in Instrument Number 200608010022414;

Thence North 86° 33' 33" West, with said limited access right of way line, a distance of 189.99 feet to a ¼ inch iron pipe found at the northwesterly corner of said 0.627 acre tract, in the easterly line of that 5.039 acre tract conveyed to Robert L. Lucas and Sandra M. Lucas, Trustees by deed of record in Instrument Number 201207130015618;

Thence North 03° 28' 28" East, with said easterly line, a distance of 209.84 feet to a ¼ inch iron pipe found at the northeasterly corner of said 5.039 acre tract;

Thence North 86° 33' 03" West, with the northerly line of said 5.039 acre tract, a distance of 100.00 feet to a bent ¼ inch iron pipe found at the southeasterly corner of that 15.894 acre tract conveyed to Mark L. Mayville, Geraldine Y. Mayville, Richard A. Needles and Theresa L. Love by deeds of record in Official Record 417, Page 537, Official Record 417, Page 535, Official Record 416, Page 209, and Deed Book 790, Page 643;

Thence North 03° 28' 41" East, with the easterly line of said 15.894 acre tract, a distance of 1696.67 feet to a ¼ inch iron pipe found in the southerly line of that 162.114 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 201508210017779, in the existing City of New Albany corporation line (as established by Ordinance Number O-31-2015, of record in Instrument Number 201601070000270);

13.193 ACRES

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Thence South 86° 37' 29" East, with said southerly line and said corporation line, a distance of 296.14 feet to a ¼ inch iron pipe found at the northwesterly corner of that 16.944 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201511050024177;

Thence South 02° 58' 27" West, with the westerly line of said 16.944 acre, the westerly line of that 37.498 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201605300006016, and said corporation line (passing ¾ inch iron pipe found at 299.69 feet) a total distance of 1400.53 feet to an iron pin set at the southwest corner of said 37.498 acre tract;

Thence South 83° 36' 23" East, with the southerly line of said 37.498 acre tract and said corporation line, a distance of 31.69 feet to a ¾" iron pipe found at the northwesterly corner of said 6.255 acre tract;

Thence South 03° 26' 31" West, with the westerly line of said 6.255 acre tract and said corporation line, a distance of 507.32 feet to the TRUE POINT OF BEGINNING, containing 13.193 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Professional Surveyor No. 7865

Date

ZONING MAP

SECTION 14, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE



PROPOSED CITY OF NEW ALBANY CORPORATION LINE
EXISTING CITY OF NEW ALBANY CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 4482.67 feet, of which 2335.68 feet is contiguous with the existing City of New Albany corporation line, giving 49.87% perimeter contiguity.

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

Proposed Annexation
of 13.193 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 shows herein and having given due consideration to the prayer of said petition, do hereby grant the same.

Board of Licking County Commissioners

Petition Received _____, 20__
Commissioner
Petition Approved _____, 20__
Commissioner
Commissioner

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

Containing _____ acres.
Transfer Fee _____
Licking County Auditor

Received for Record _____, 20 __, at _____ (AM-PM) and recorded
20 __, in plat ordinance, petition, etc. in Plat Book Volume _____, Page _____.

Plat Fee _____
Ordinance, etc. Fee _____
Licking County Recorder

Council for the City of New Albany, Ohio, by ordinance _____ passed _____, 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.

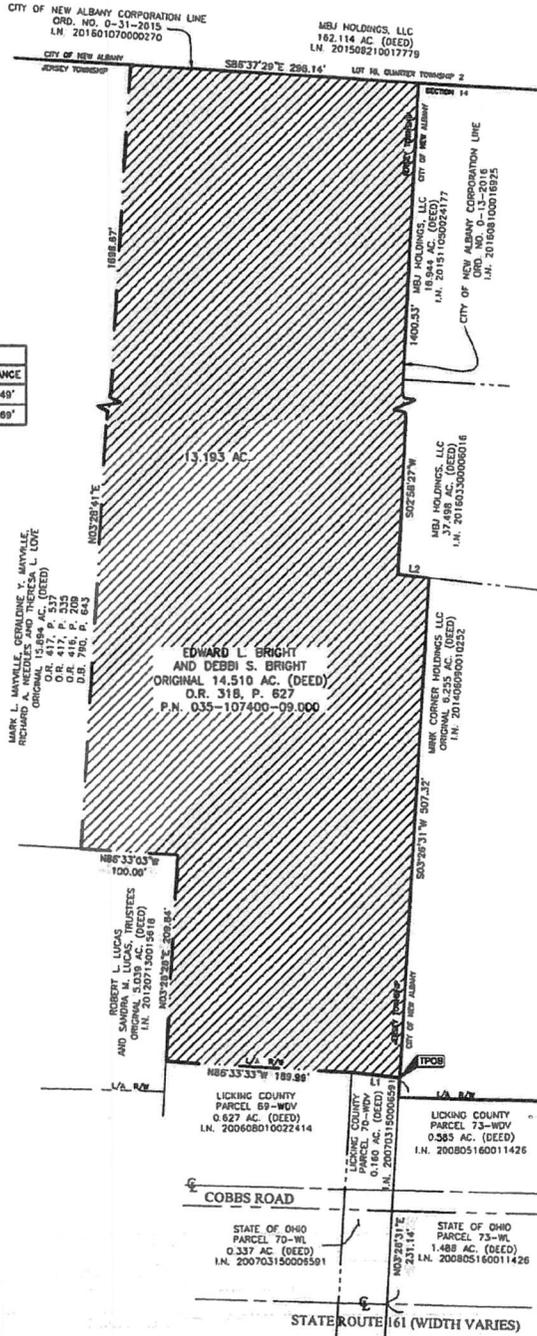
Attest
Clerk, City of New Albany

By
Matthew A. Kirk
Professional Surveyor No. 7855
mkirk@emht.com

<p>EMHT Professional Surveyors & Engineers 2000 New Albany Street, Columbus, OH 43209 Phone: 614.773.4823 Fax: 614.773.4849 emht.com</p>	Date: November 5, 2020
	Scale: 1" = 80'
	Job No: 2020-1033
	Sheet: 1 of 1

REVISIONS		
MARK	DATE	DESCRIPTION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N83°38'47"W	50.49'
L2	S83°38'23"E	31.89'



BRIGHT PROPERTY SURVEYING SERVICES, INC. 20201033-VS-ANNX-01
 ALL RIGHTS RESERVED. THIS DOCUMENT IS THE PROPERTY OF BRIGHT PROPERTY SURVEYING SERVICES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRIGHT PROPERTY SURVEYING SERVICES, INC.