

DEVELOPMENT AGREEMENT

The undersigned hereby agree to the terms and conditions of this Development Agreement, which shall be binding on the undersigned and their heirs, assigns, and legal representatives.

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By: \_\_\_\_\_  
 Title: \_\_\_\_\_

By: \_\_\_\_\_  
 Title: \_\_\_\_\_

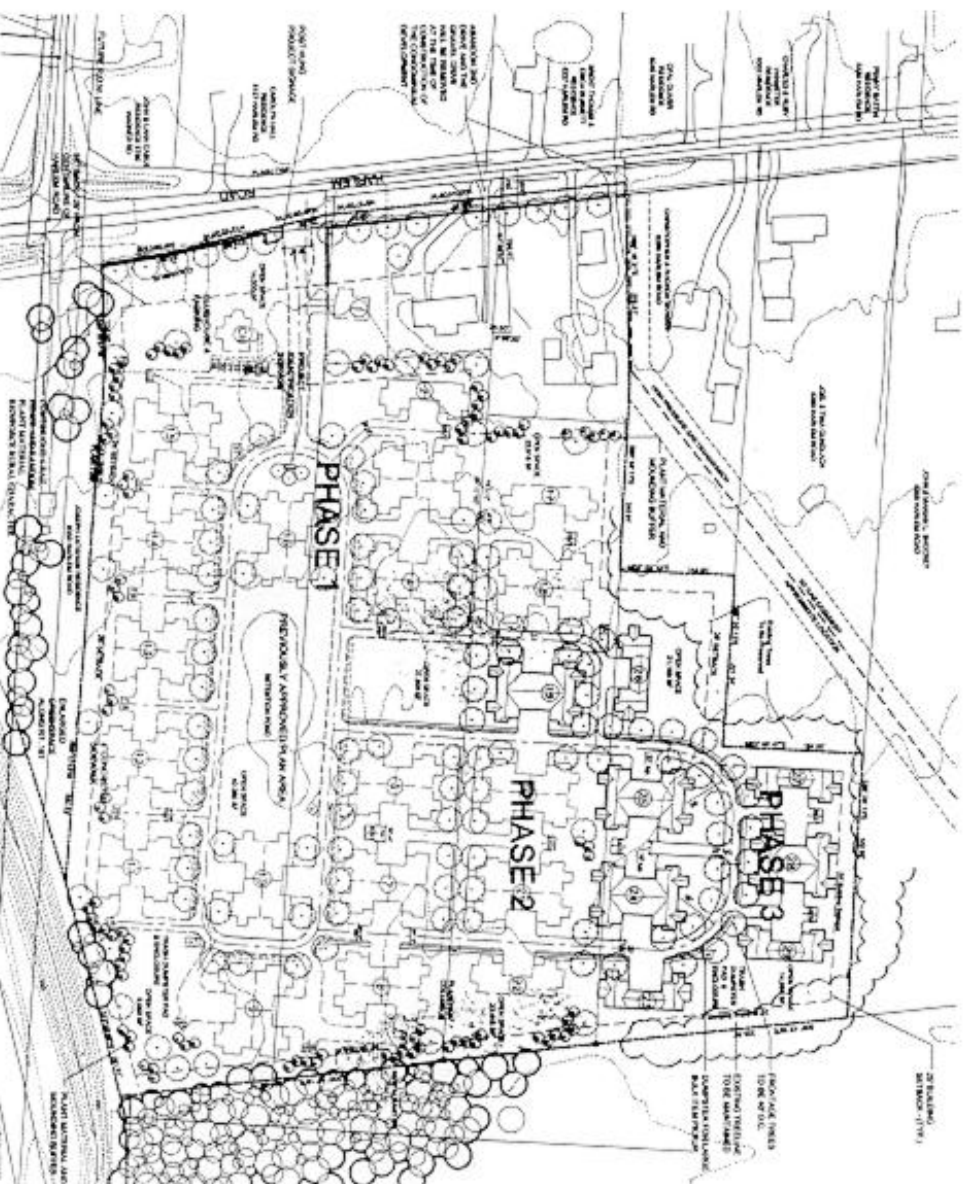
MINIY RIDGE SITE DATA

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99. TOTAL AREA	100. TOTAL AREA



FUD ZONING PLAN

THE PROPERTY DEVELOPER COMPANY  
 4715 N. 10TH ST., SUITE 100  
 PHOENIX, AZ 85018



*205-086 Rocky Ridge Condominiums*





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## DEVELOPMENT STANDARDS

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**Building Setbacks: Harlem Road Corridor:**

The building setback line along Harlem Road shall be 125' the centerline of Harlem Road. Except for existing residences.

**Condominium Tract:** There shall be a 25' building setback for the entire perimeter.

**Access:** The access to the multi-family units will be from Harlem Road as shown on site plan. These lanes shall be a minimum of 13' in width and shall be a minimum radius of 35'.

**Condominiums:**

**Unit Size:** The gross living area (excluding garage) of any dwelling unit shall be at least 1,200 square feet. At least 50% of the total units will be larger than 1350 square feet. At least 10% of the total units will be 1,500 square feet or larger. All dwelling units shall have at least a one-car garage and at least 66% of all units will have two-car garages. The first building (including the model) shall be of units with at least 1,230 square feet and shall be brick, stone or manufactured stone. The model unit shall have a two-car garage. **Building Exterior:** The exterior building vertical surfaces shall be brick, stone, stucco, manufactured stone, vinyl (with textured pattern) or wood siding. At least 50% of the exterior vertical surfaces (siding) shall be brick, stone or manufactured stone.

**Single Family Homes:**

**Building Standards:** The massing of each house shall be simple and traditional in form with pitched roofs (minimum of 6/12). Each house shall have a minimum of an attached car garage which will be either side loaded or recessed from the front house line by a minimum of 3 ft. If the overhead garage door faces Harlem Road, the maximum width of the door shall be 10 ft. Exterior building materials shall be brick, stone, stucco, wood siding or traditional textured pattern vinyl siding or combinations of the above.

**Landscaping:**

The developer will also make reasonable efforts to save all trees over 3" caliper within the first fifteen feet of the 25' building setback of the perimeter yard. Those trees meeting this criteria that might be removed for underground utility installation or by mistake will be replaced with one pine tree of 5' minimum height for each full 3" caliper of tree diameter that is removed. The developer will also make reasonable efforts to save at least 50% of the trees over 3" in diameter within the balance of the building setback along the south property line. At the rear of the single-family lots, the developer shall plant yard screening.

**Amenities:**

**Exterior Lighting:** The maximum height of exterior site lighting shall be 14'. Lighting poles shall be of a "cutoff" "downlighting" type. Sidewalks: 4' concrete sidewalks shall be constructed along the Harlem Road frontage in accordance with the City of Columbus standards at the time each parcel is developed.

**ROCKY RIDGE SITE DATA**

NO. OF SINGLE FAMILY UNITS	3	ZONING DISTRICT	PUD-6
NO. OF 2 BEDROOM UNITS	76	DESIGN STANDARDS	
NO. OF 3 BEDROOM UNITS	18	ENTRANCE ROADWAY	26'
TOTAL UNITS	97	ROADWAY WIDTH	20'
		DRIVEWAY WIDTH	16'
PARKING		MINIMUM ROADWAY RADIUS	20'
MULTI-CONDOMINIUMS		MINIMUM DRIVEWAY RADIUS	10'
14 - 1 GARAGE UNITS	14	PARKING SPACE MINIMUM	9'X 18'
80 - 2 GARAGE UNITS	160	ENTRANCE RADIUS AT HARLEM ROAD	35'
SINGLE FAMILY		SITE IS NOT IN THE FLOOD PLAIN	(Zone X)
3 - 2 GARAGE UNITS	6	FLOOD ZONE MAP	39049C0180G
41 - GUEST SPACES 9' X 18'	41	PANEL 180 EFFECTIVE DATE	8/2/1995
TOTAL PARKING SPACES	221		
TOTAL PARKING SPACES REQUIRED	194		
		LANDSCAPE PLAN WILL INCLUDE	
		ONE (1) SHADE FOR EVERY TEN(10)	
		PARKING SPACES PER CODE.	
OPEN SPACE REQUIRED (800 X 97)	77,600 SQ.FT.	THIS PROJECT SHALL COMPLY W/COLUMBUS	
OPEN SPACE PROVIDED	109,345 SQ.FT.	ZONING SECTIONS:	
MAX BUILDING HEIGHTS		3342.09 - DUMPSTER	
BUILDING HEIGHT - CONDOMINIUM	27'	3342.11 - LANDSCAPE	
BUILDING HEIGHT - SINGLE FAMILY	35'	3342.12 - LIGHTING	
		3342.17 - SCREENS	
		3342.23 - STRIPING/MARKING	
		3342.24 - SURFACE	
		3342.28 - WHEEL STOPS/CURB	

DENSITY CALCULATION:

OVERALL: 21.55 AC; 97 UNITS; 4.5/AC

**STAFF REPORT  
DEVELOPMENT COMMISSION  
ZONING MEETING  
CITY OF COLUMBUS, OHIO  
JANUARY 11, 2006**

- 7. APPLICATION: Z05-086**  
**Location:** **6124 HARLEM ROAD (43054)**, being 21.63± acres located on the east side of Harlem Road, 525± feet north of Warner Road (Rocky Fork/ Blacklick Accord; 010-260511; pending annexation)  
**Existing Zoning:** R, Rural and PUD-6, Planned Unit Development Districts.  
**Request:** PUD-6, Planned Unit Development District.  
**Proposed Use:** Multi -family residential development.  
**Applicant(s):** M.H. Murphy Development Co.; c/o Steven Fulkert, Arch.; 677 Notchbrook Drive; Delaware, Ohio 43015.  
**Property Owner(s):** M.H. Murphy Development Co.; 4393 Arbor Lake Drive; Groveport, Ohio 43125.  
**Planner:** Walter Green, 645-2485, [wagreen@columbus.gov](mailto:wagreen@columbus.gov)

**BACKGROUND:**

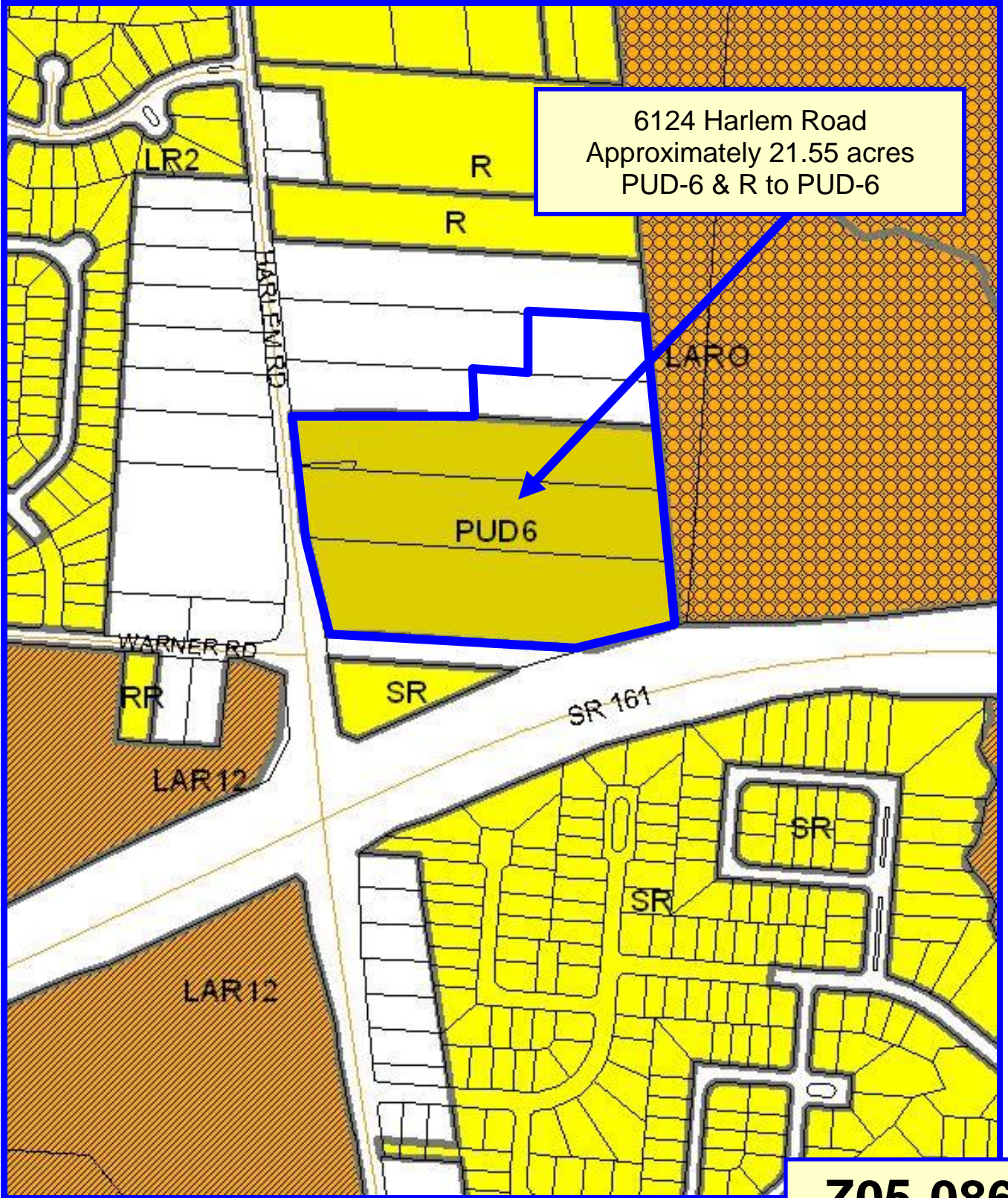
- The applicant is requesting the PUD-6 district to expand the existing Rocky Ridge multi-family residential development. The applicant is currently developing 18.1± acres of the 21.6± acre site for multi-family dwellings zoned in the PUD-6, Planned Unit Development District (Z04-053). The proposal would increase the number of dwelling units by 22, from 75 to 97. The acreage would increase from 18.1± to 21.6±, an increase of 3.5± acres. The overall density of the site would be increased from 4.15 du/acre to 4.5 du/acre. The site is within the planning area of the *Rocky Fork / Blacklick Accord (2004)*.
- To the north, south and west are single-family residential dwellings in Plain Township. To the east is vacant land zoned in the L-AR-O, Limited Apartment Office District.
- The site is within the boundaries of the *Rocky Fork – Blacklick Accord (2004)*. The 3.5± acres proposed to be added to the approved development were split off from the parcels developed with the single-family residences to the northwest of the current site, along Harlem Road. The Accord Implementation Panel recommended approval of the proposed re-zoning on March 17, 2005. The Accord master plan strongly encourages the preservation of the Harlem Road corridor as a low-density residential area. The approval included a condition requiring a property covenant stating that the property to the northwest remain single-family residential for a period of not less than ten (10) years. The property covenant is not administered by the city.
- The PUD plan provides development standards addressing access, street lights, building setbacks, garages, and building materials.

- The *Columbus Thoroughfare Plan* identifies Harlem Road as a 4-2 arterial requiring a minimum of 50 feet of right-of-way from centerline.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

The requested PUD-6, Planned Unit Development District would permit carefully controlled residential development and has the approval of the *Rocky Fork/Blacklick Accord* Panel.

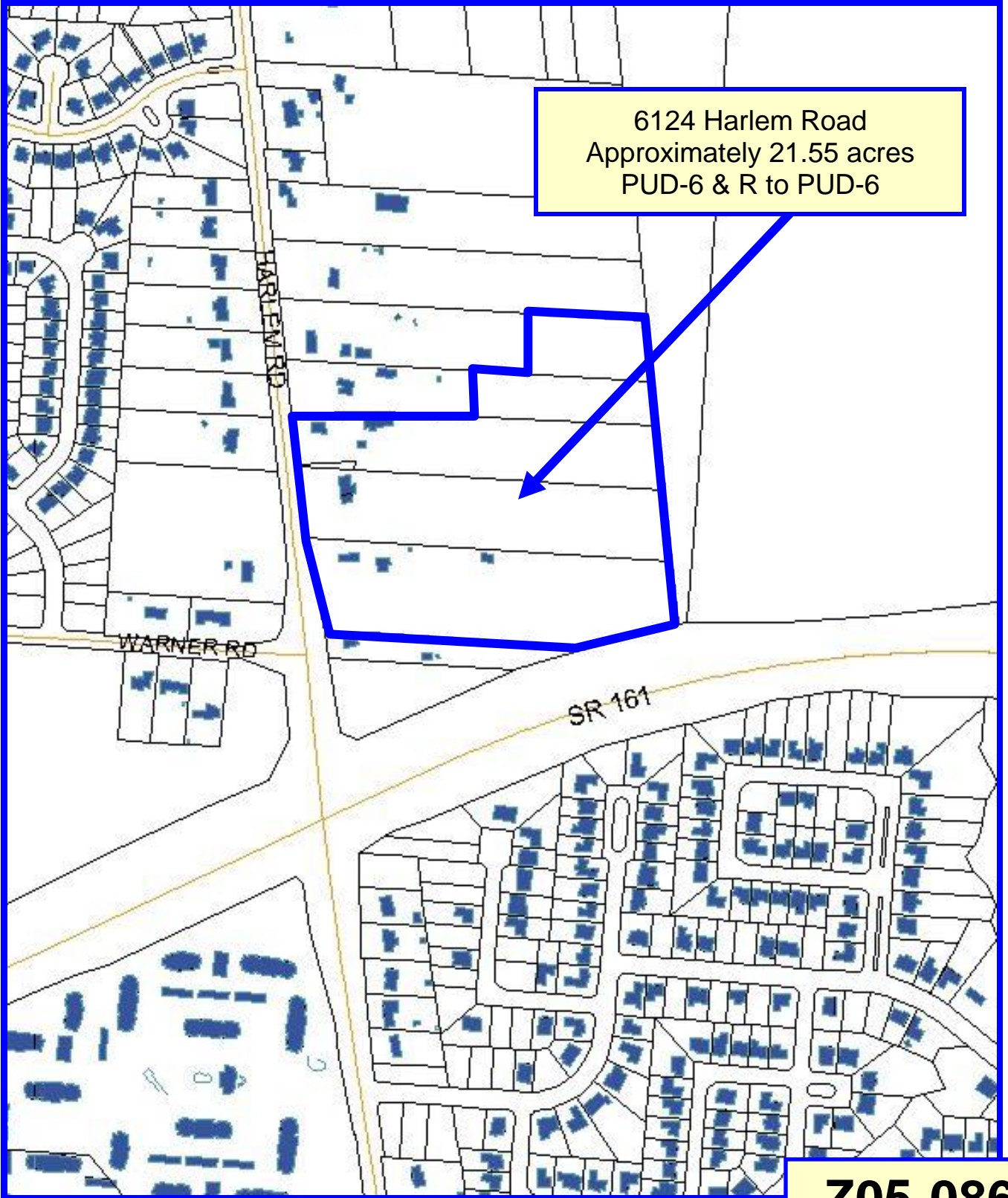




6124 Harlem Road  
Approximately 21.55 acres  
PUD-6 & R to PUD-6

**Z05-086**





6124 Harlem Road  
Approximately 21.55 acres  
PUD-6 & R to PUD-6

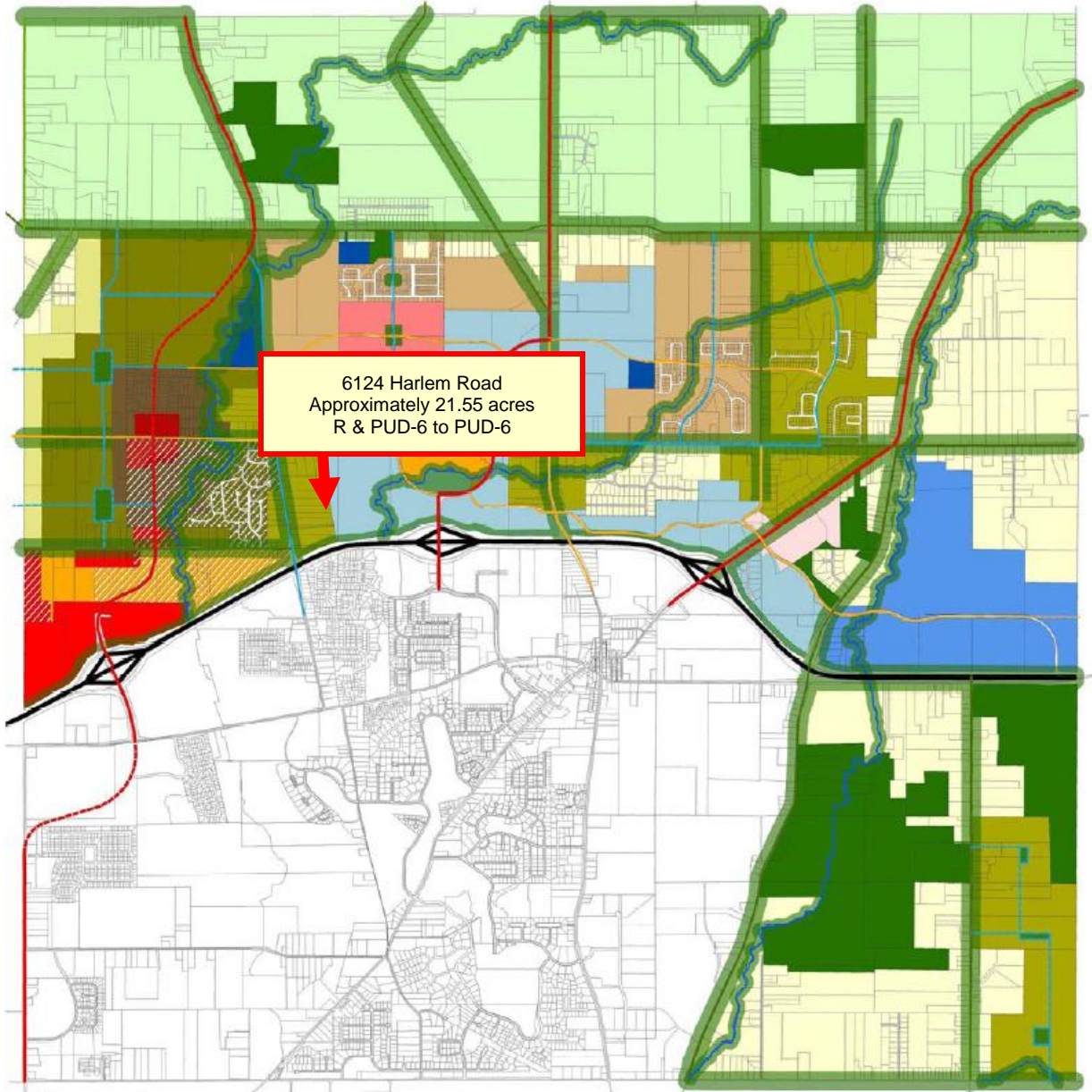
**Z05-086**





**Z05-086**





Legend

- |                                                                                                      |                                                                                                         |                                                                                                                     |
|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
|  Office           |  Park/Open Space     |  Edge                           |
|  Office/Warehouse |  Village Mixed Use   |  Neighborhood                   |
|  Town Mixed Use   |  Town Residential    |  Neighborhood Center            |
|  Commercial       |  Village Residential |  Neighborhood Center Commercial |
|  Multi-Family     |  Rural Residential   |  Park Zone                      |
|  Civic/Schools    |                                                                                                         |                                                                                                                     |

Preexisting zoning represented by hatching.

ROCKY FORK - BLACKLICK ACCORDIMPLEMENTATION PANEL**RECORD OF PROCEEDINGS - excerpt****March 17, 2005**

7:00 PM  
 New Albany Village Hall  
 99 West Main Street, New Albany

**I. Call to Order**

Meeting opened at 7:05 pm at New Albany Village Hall with the following members present: Doug Burnip, Bill Carleton, Paul Kosling, Tedd Hardesty, Eileen Pewitt, Andrew Show, and Franz Geiger.

Staff members present were Ken Klare and Kathryn Meyer.

**6290 Harlem Road (Rocky Ridge)**

*Review & Action of Columbus rezoning pre-application to expand a previously approved plan by developing 4.7 acres (22.8 total) located on the east side of Harlem Road, 700 feet north of SR-161*

Zoning Request: To rezone from R, Rural to PUD-6, Planned Unit Development

Proposed Use: Condominium dwellings – 20 du's @ 4.7 du/ac (4.3 for entire dev)

*Applicant: M.H.Murphy Dev. Co.; c/o Steve Fulkert*

Applicant Presentation: Although the plan hadn't changed from last month's presentation, Steve Fulkert presented more refined plans and updated the density numbers for the revised expansion request onto the two adjacent properties to the north. The remnant parcels along Harlem Road would be about five acres. He distributed a letter describing the condition upon which the lot would be split and committing to compliance with the master plan for the area. Mr. Fulkert said both homeowners want and intent to stay within their homes for many more years. Applicant said he would be willing to strengthen the covenant to include approval of the Panel, and restrict to residential use for ten years.

Staff Input: Staff recognized a covenant/deed restriction was an acceptable compromise, short of including the parcels within this application. However, such document may not change the normal realities of what one might expect to take place if the parcels sought to be developed. With but a few hours to review the document, staff suggests the wording might be strengthened to include compliance with the provisions of the Accord in addition

to Panel review. Staff was not aware of any unintended consequence of approving this document. Kathryn said she wouldn't want to do this same method if the parcel were in the Village.

Public Input: Mr. David Olmstead recalled the original discussions about maintaining Harlem Road character and the "creep" factor of more dense development. He did not want to see Harlem Road stripped out with high-density development. Linda Skaggs realizes they would experience growth and doesn't object to the proposal being considered.

Panel Discussion: Mr. Geiger questioned whether the deed restriction limited the development to just residential. The applicant responded by saying any change to the zoning would result in review by the Panel in the context of what is appropriate at that point in time. Mr. Geiger said we should forget the restriction, believing the restriction doesn't do anything, particularly since it doesn't restrict it to single family use. The issue is whether the proposed plan makes sense and is the density appropriate regardless of what happens to the frontage parcels. Previous applications were supported because of their Harlem Road treatment. Mr. Geiger then asked if the covenant could be strengthened to restrict the use of the frontage parcels to their current use until such time as the conditions or land use of the area changes. Mr. Show was concerned with transfer of densities by other development, perhaps to the north. Mr. Carleton doesn't like the proposed density, although the plan is good. Mr. Burnip also thought the layout was good, but didn't want to go above the line previously supported by the Panel. He said the current document was insufficient. Mr. Kosling was concerned with the discussion about if the complexion of Harlem Road changes, because he thought it was the Panel's duty to insure that it doesn't change. He further suggested restricting the use of the frontage parcels to twenty years. Mr. Hardesty and Mrs. Pewitt realized the Accord was dynamic.

MOTION: To approve the proposed plan based on additional language to the proposed property covenant stating the parcels along Harlem Road will be approved by this Panel and consistent with the current standards of the Accord at the time of the proposed rezoning, and the frontage parcels will remain single-family for the next ten years.

MOTION BY: Hardesty / Show

RESULT: Conditionally approved. (6-1) Burnip dissenting

[Copy of unsigned covenant is attached.]



PROPERTY COVENANT

Parcel #220-000394-00

Joel and Tina Gundlach are the property owners of record of the "Property" known as 6300 Harlem Road, which consists of a single family home, out buildings and other improvements on the land. The Property is currently zoned Rural under the zoning regulations of Plain Township. In 2005, the parcel was subdivided (into front and rear portions) along the eastern line of the Columbia Gas easement to accommodate expansion of the Rocky Ridge Condominium development to the south. Through the established process at the time, the expansion proposal was reviewed and approved in consideration of the entire parcel, including the frontage portion. This document acknowledges such account and states any conditions and/or restrictions placed upon the Property and its owner(s).

As part of rezoning that adjacent rear portion of land to the east, which was annexed into and rezoned in the City of Columbus, zoning file# Z05086, this Property, within the context of the Rocky Fork - Blacklick Accord - an adopted community plan for the area, was considered integrally linked to the approval for developing that rear portion of land. The Accord master plan strongly encourages the preservation of the Harlem Road corridor as a low-density residential area. At the Rocky Fork - Blacklick Accord Implementation Panel hearing on March 17, 2005, it was determined and agreed upon at the time of approval, that the appropriate use of the Property was as a single-family residence and the property shall remain a single-family residence for a period of not less than ten (10) years.

Should the owner, or their successors, of the Property elect to annex or rezone the Property from its' current use, such application shall include a commitment that any redevelopment plans, and any subsequent changes to such plans, are to be approved by the Rocky Fork - Blacklick Accord Implementation Panel to be consistent with and in compliance with the then current Rocky Fork - Blacklick Accord provisions, and are considered in the context upon which the development zoning of the rear portion of land was approved.

I hereby agree to and acknowledge this covenant as a recorded deed restriction running with the land.

[Signature]  
Property Owner  
Tina M Gundlach  
Property Owner

Norman Singer  
Witness  
Lois Singer  
Witness

STATE OF OHIO  
COUNTY OF Franklin SS:

Subscribed and acknowledged in my presence at New Albany, Ohio as being the free and voluntary act of Joel + Tina Gundlach for the use and purpose therein mentioned on the 22 day of Jan, 2006

Norman Singer  
Notary Public



NORMAN SINGER  
Notary Public, State of Ohio  
My Commission Expires 01/22/2010

PROPERTY COVENANT

Parcel #220-000351-00

Christopher and Rhonda Skaggs are the property owners of record of the "Property" known as 6290 Harlem Road, which consists of a single family home, out buildings and other improvements on the land. The Property is currently zoned Rural under the zoning regulations of Plain Township. In 2005, the parcel was subdivided (into front and rear portions) along the eastern line of the Columbia Gas easement to accommodate expansion of the Rocky Ridge Condominium development to the south. Through the established process at the time, the expansion proposal was reviewed and approved in consideration of the entire parcel, including the frontage portion. This document acknowledges such account and states any conditions and/or restrictions placed upon the Property and its owner(s).

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I hereby agree to and acknowledge this covenant as a recorded deed restriction running with the land.

*[Signature]*  
Property Owner  
*[Signature]*  
Property Owner

*[Signature]*  
Witness  
*[Signature]*  
Witness

STATE OF OHIO  
COUNTY OF Franklin, SS:

Subscribed and acknowledged in my presence at Columbus, Ohio as being the free and voluntary act of Christopher and Rhonda Skaggs for the use and purpose therein mentioned on the 31 day of JAN, 2006



SHARON J. BEEBE  
Notary Public, State of Ohio  
My Commission Expires  
11-12-2008

*[Signature]*  
Notary Public

### PROJECT DISCLOSURE STATEMENT



Parties having a 5% or more interest in the project that is the subject of this application.  
**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

STATE OF OHIO  
COUNTY OF FRANKLIN

APPLICATION # 205-086

Being first duly cautioned and sworn (NAME) Steven J. Fulkert  
of (COMPLETE ADDRESS) 677 Notchbrook Drive, Delaware, Oh 43015  
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

- Name of business or individual
- Business or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

If applicable, check here if listing additional parties on a separate page (REQUIRED)

1. M.H. Murphy Development Company 4393 Arbor Lake Drive Groveport, Ohio 43125 100% ownership by Michael Murphy 10 Employees Mike Murphy, President 836-4403	2.
3.	4.

SIGNATURE OF AFFIANT

Steven J. Fulkert

Subscribed to me in my presence and before me this 27<sup>th</sup> day of October, in the year 2005

SIGNATURE OF NOTARY PUBLIC

Debra A. Clark

My Commission Expires:

10-05-10

*This Project Disclosure Statement expires six months after date of notarization.*



DEBRA A. CLARK  
Notary Public, State of Ohio  
My Commission Expires 10-05-10