



Legislation Text

File #: 1552-2011, **Version:** 2

Council Variance Application: CV09-030

APPLICANT: The New Albany Company, LLC; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: A multiple-dwelling development of single-unit, two-unit, three-unit, four-unit, multi-unit and apartment complex development with reduced development standards.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Since 1998, this property has been the subject of a rezoning and two Council variances to accommodate various buyers' needs. This request is to repeal CV05-048 and CV07-039 which were passed to accommodate a developer that is no longer purchasing the site and to create two subareas. One subarea accommodates the existing buyer and the second subarea is to accommodate future buyers. Staff supports this Council Variance since it will repeal the previous two Council variances and combine the variances and commitments from those into one ordinance making this development easier to administer while maintaining the commitments of the previous two Council variances.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3333.04, Permitted uses in the AR-O Apartment Office District; 3333.10, AR-12, Area District Requirements; 3333.22, Maximum side yard; 3333.23, Minimum side yard; 3333.24, Rear yard; 3312.25, Maneuvering; 3370.06, Standards; and 3370.07, Conditions and limitations, for the property located at **5855 CENTRAL COLLEGE ROAD (43054)**, to permit a multiple-dwelling development of single-unit, two-, three-, and four-unit dwellings and apartment complex development with reduced development standards in the L-AR-12, Limited Apartment and L-AR-O, Limited Apartment Residential/Office Districts. (Council Variance #CV09-030)

WHEREAS, by application No. CV09-030, the owner of property at **5855 CENTRAL COLLEGE ROAD (43054)**, is requesting a Council Variance to permit development of single-unit, two-, three-, four- and apartment complex dwellings with no internal perimeter yard in the L-AR-O, Limited Apartment Office/Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, AR-1, apartment residential district use, does not permit apartment complex development with no perimeter yard between internal tax parcel lines and with a density based on the total acreage; while the applicant wishes not to provide an internal perimeter yard and wishes to calculate density based on the total acreage; and

WHEREAS, Section 3333.04, Permitted uses in the AR-O Apartment Office District, does not permit single-unit dwellings or two-unit dwellings and requires that three- and four-unit dwellings be developed in accordance with the R-4 standards, while the applicant proposes to construct more than one single-family, two-unit, three-unit, and four-unit dwellings on the parcel which could be considered a multiple-dwelling development which will not conform to the standards of the R-4, Residential District; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area, while the applicant has agreed to provide a two-car garage and two additional stacked parking spaces, not required

by code, in the driveway for each single-unit dwelling; and

WHEREAS, Section 3333.10, AR-12, area district requirements, prohibits residential densities in excess of 12 dwelling units per acre, while the applicant proposes to develop more dwelling units than the L-AR-12 acreage would permit although once the undeveloped portion of the L-AR-O and L-AR-12 site is counted, the density for the overall development is less than what the overall density would allow; and

WHEREAS, Sections 3333.22, Maximum side yard required, 3333.23, Minimum side yard permitted, and 3333.24, Rear yard, permit a perimeter yard to meet the maximum, minimum and rear yard requirements for an apartment complex or multiple-dwelling development only, while the applicant does not wish to provide a perimeter yard along the common property line between the parcels which comprise this proposed development; and

WHEREAS, Section 3370.06, Standards, requires any use to meet or exceed each minimum development standard of the underlying zoning classification unless more limited standards are specifically identified in the limited overlay development plan and/or text, in which event such more limited standards shall apply, while the applicant proposes to not comply with standards specified herein of the underlying L-AR-O, Limited Apartment Office District, L-AR-12 Limited Apartment Residential and zoning text; and

WHEREAS, Sections 3370.07, Conditions and Limitations, requires any use to conform to each condition or limitation specifically identified and imposed in the development plan and/or text, while the applicant does not wish to comply with the zoning text requirement that requires all apartment complex buildings to be at least two stories and not more than three stories in height; and

WHEREAS, City Departments recommend approval because Staff supports this Council Variance since it will repeal the previous two Council variances and combine the variances and commitments from those into one ordinance making this development easier to administer while maintaining the commitments of the previous two Council variances; and

WHEREAS, said ordinance requires separate submission for all applicable permits for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **5855 CENTRAL COLLEGE ROAD**, in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That variances from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3333.04, Permitted uses in AR-O Apartment Office District; 3333.10 AR-12 area district requirements; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted, 3333.24, Rear yard; 3312.25, Maneuvering; 3370.06, Standards and 3370.07, Conditions and limitations, are hereby granted for the property located at **5855 NEW ALBANY ROAD WEST (43085)**, to permit an apartment complex with no perimeter yard between internal tax parcel lines; with a density based on the total acreage; to permit a multiple-dwelling development with one-story and one and one-half story single-family, two-,three- and four-unit dwellings which meets the perimeter yard requirement for its side and rear yards except that there is no perimeter yard between the internal tax parcel line of the development; and with stacked parking for single-family dwellings; said property being more particularly described as follows:

5855 CENTRAL COLLEGE ROAD (43054), being 76.3± acres located on the southwest side of New Albany Road and

Rothwell Street, and being more particularly described as follows:

**SUB AREA 1
ZONING OF
42.868 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 14, Quarter Township 2, Township 2, Range 16, United States Military Lands, and being all of the remainder of that 37.391 acre tract conveyed to Epcon Sugar Run, LLC by deed of record in Instrument Number 200512160265331, and those 0.124 and 7.178 acre tracts conveyed to Epcon Sugar Run, LLC by deed of record in Instrument Number 200811210169095, all of "The Woods at Sugar Run Condominium", of record in Condominium Plat Book 199, Page 16, "The Woods at Sugar Run Condominium First Amendment", of record in Condominium Plat Book 204, Page 34, "The Woods at Sugar Run Condominium Second Amendment", of record in Condominium Plat Book 207, Page 26, "The Woods at Sugar Run Condominium Third Amendment", of record in Condominium Plat Book 207, Page 80, "The Woods at Sugar Run Condominium Fourth Amendment", of record in Condominium Plat Book 209, Page 1, "The Woods at Sugar Run Condominium Fifth Amendment", of record in Condominium Plat Book 210, Page 46, "The Woods at Sugar Run Condominium Sixth Amendment", of record in Condominium Plat Book 212, Page 74, "The Woods at Sugar Run Condominium Seventh Amendment", of record in Condominium Plat Book 214, Page 5, "The Woods at Sugar Run Condominium Eighth Amendment", of record in Condominium Plat Book 215, Page 52, "The Woods at Sugar Run Condominium Ninth Amendment", of record in Condominium Plat Book 216, Page 58, "The Woods at Sugar Run Condominium Tenth Amendment", of record in Condominium Plat Book 217, Page 42, "The Woods at Sugar Run Condominium Eleventh Amendment", of record in Condominium Plat Book 217, Page 64, "The Woods at Sugar Run Condominium Twelfth Amendment", of record in Condominium Plat Book 220, Page 9, "The Woods at Sugar Run Condominium Thirteenth Amendment", of record in Condominium Plat Book 220, Page 100, and "The Woods at Sugar Run Condominium Fourteenth Amendment", of record in Condominium Plat Book 221, Page 90, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Central College Road with New Albany Road West, of record in Plat Book 103, Page 32-33, being North 85° 59' 39" West, a distance of 1167.02 feet from Franklin County Geodetic Survey Monument No. 5211 and South 85° 59' 39" East, a distance of 1543.82 feet from Franklin County Geodetic Survey Monument No. 5212;

Thence South 03° 13' 41" West, a distance of 364.98 feet with the centerline of said New Albany Road West, to a point of curvature;

Thence with said curve to the left, having a central angle of 12° 39' 51", a radius of 1000.00 feet an arc length of 221.03 feet and a chord which bears South 03° 06' 14" East, a chord distance of 220.58 feet to a point;

Thence South 80° 33' 50" West, a distance of 50.00 feet across the right-of-way of said New Albany Road West, to a point in a curve in the southwesterly right-of-way line thereof, being the northeasterly corner of said "The Woods at Sugar Run Condominium" and being the TRUE POINT OF BEGINNING;

Thence with said curve to the left, having a central angle of 27° 54' 21", a radius of 1050.00 feet an arc length of 511.40 feet and a chord bearing South 23° 23' 20" East, a chord distance of 506.36 feet with said southwesterly right-of-way line, and the easterly line of said "The Woods at Sugar Run Condominium", to a point;

Thence with the southerly line of said "The Woods at Sugar Run Condominium", "The Woods at Sugar Run Condominium Fourth Amendment", "The Woods at Sugar Run Condominium Third Amendment Part 2", the following courses and distances:

North 85° 27' 02" West, a distance of 19.07 feet to a point;

North 63° 22' 25" West, a distance of 32.58 feet to a point;

North 38° 29' 02" West, a distance of 67.91 feet to a point;

North 55° 38' 48" West, a distance of 36.02 feet to a point;
South 58° 01' 05" West, a distance of 18.45 feet to a point;
South 40° 15' 23" West, a distance of 49.25 feet to a point;
South 58° 50' 55" West, a distance of 37.03 feet to a point;
South 83° 34' 24" West, a distance of 55.91 feet to a point;
North 80° 14' 48" West, a distance of 48.43 feet to a point;
North 83° 40' 14" West, a distance of 42.51 feet to a point;
North 83° 29' 03" West, a distance of 30.28 feet to a point;
South 37° 29' 55" West, a distance of 38.36 feet to a point;
South 59° 29' 18" West, a distance of 45.95 feet to a point;
South 87° 06' 29" West, a distance of 100.64 feet to a point;
South 65° 02' 30" West, a distance of 81.74 feet to a point;
South 60° 35' 29" West, a distance of 90.89 feet to a point;
South 53° 03' 11" West, a distance of 52.15 feet to a point;

Thence with the easterly line of said "The Woods at Sugar Run Condominium Third Amendment Part 2", "The Woods at Sugar Run Condominium Fifth Amendment", "The Woods at Sugar Run Condominium Sixth Amendment Part 5", "The Woods at Sugar Run Condominium Eleventh Amendment", "The Woods at Sugar Run Condominium Twelfth Amendment", "The Woods at Sugar Run Condominium Fourteenth Amendment Part 4", a remainder of said 37.391 acre tract and said 7.178 acre tract, the following courses and distances:

South 00° 00' 15" East, a distance of 26.09 feet to a point;
South 16° 56' 49" East, a distance of 50.86 feet to a point;
South 11° 36' 29" East, a distance of 56.15 feet to a point;
South 34° 45' 30" East, a distance of 46.96 feet to a point;
South 30° 29' 34" East, a distance of 55.64 feet to a point;
South 09° 47' 04" West, a distance of 20.75 feet to a point;
South 66° 25' 42" West, a distance of 54.67 feet to a point;
South 70° 50' 01" West, a distance of 51.55 feet to a point;
North 63° 27' 44" West, a distance of 25.25 feet to a point;
South 88° 15' 54" West, a distance of 23.30 feet to a point;
South 41° 21' 57" West, a distance of 23.55 feet to a point;
South 02° 13' 01" West, a distance of 85.67 feet to a point;
South 16° 48' 55" East, a distance of 39.04 feet to a point;
South 64° 30' 35" East, a distance of 34.41 feet to a point;
North 51° 21' 42" East, a distance of 22.59 feet to a point;
North 61° 04' 01" East, a distance of 37.90 feet to a point;
South 69° 47' 50" East, a distance of 28.58 feet to a point;
South 40° 30' 18" East, a distance of 69.55 feet to a point;
South 23° 13' 20" East, a distance of 37.60 feet to a point;
South 62° 39' 16" East, a distance of 112.04 feet to a point;
South 40° 05' 37" East, a distance of 65.99 feet to a point;
South 17° 03' 06" East, a distance of 127.60 feet to a point;
South 22° 14' 49" East, a distance of 91.82 feet to a point;
South 15° 44' 20" East, a distance of 98.90 feet to a point;
South 17° 12' 53" West, a distance of 31.00 feet to a point;
South 53° 49' 11" West, a distance of 41.40 feet to a point;
North 87° 14' 05" West, a distance of 43.81 feet to a point;
North 75° 43' 01" West, a distance of 74.29 feet to a point;
South 50° 59' 05" West, a distance of 33.61 feet to a point;
South 23° 58' 47" West, a distance of 27.79 feet to a point;
South 20° 07' 01" East, a distance of 30.79 feet to a point;

South 59° 57' 32" East, a distance of 61.97 feet to a point;
South 15° 26' 27" East, a distance of 21.22 feet to a point;
South 38° 13' 54" West, a distance of 42.19 feet to a point;
North 76° 17' 41" West, a distance of 62.48 feet to a point;
South 75° 32' 33" West, a distance of 22.60 feet to a point;
South 48° 40' 23" West, a distance of 46.99 feet to a point; and
South 15° 05' 42" West, a distance of 111.30 feet to a point in northerly limited access right-of-way line of relocated State Route 161;

thence South 89° 47' 03" West, with the northerly limited access right-of-way line, the southerly line of said 7.178 acre tract, a distance of 179.72 feet to a point;

thence South 83° 26' 35" West, continuing with said northerly limited access right-of-way line, said southerly line, a distance of 205.61 feet to a point;

thence with the westerly line of said 7.178 acre tract, the remainder of said 37.391 acre tract, "The Woods at Sugar Run Condominium Eighth Amendment Part 2", "The Woods at Sugar Run Condominium Sixth Amendment Part 1", "The Woods at Sugar Run Condominium Eighth Amendment Part 1", "The Woods at Sugar Run Condominium Fourteenth Amendment Part 1", "The Woods at Sugar Run Condominium Fifth Amendment", "The Woods at Sugar Run Condominium First Amendment", and "The Woods at Sugar Run Condominium Second Amendment", the following courses and distances:

North 05° 36' 02" West, a distance of 48.33 feet to a point on the arc of a curve to the right;

with the arc of said curve, having a central angle of 71° 44' 24", a radius of 44.57 feet an arc length of 55.81 feet a chord bearing and distance of North 49° 46' 36" West, 52.23 feet to a point at a point of tangency;

North 05° 42' 20" West, a distance of 216.98 feet to a point;
North 28° 28' 55" West, a distance of 24.63 feet to a point;
North 54° 16' 00" West, a distance of 19.00 feet to a point;
North 49° 31' 38" West, a distance of 57.07 feet to a point;
North 44° 47' 16" West, a distance of 57.07 feet to a point;
North 40° 02' 54" West, a distance of 57.06 feet to a point;
North 35° 18' 32" West, a distance of 57.07 feet to a point;
North 30° 34' 11" West, a distance of 57.06 feet to a point;
North 25° 49' 49" West, a distance of 57.07 feet to a point;
North 21° 05' 27" West, a distance of 57.07 feet to a point;
North 16° 21' 05" West, a distance of 57.07 feet to a point;
North 11° 36' 44" West, a distance of 57.07 feet to a point;
North 06° 52' 22" West, a distance of 70.12 feet to a point;
North 02° 52' 54" East, a distance of 68.45 feet to a point;
North 23° 36' 53" East, a distance of 66.57 feet to a point;
North 57° 53' 19" West, a distance of 184.51 feet to a point;
North 05° 43' 42" West, a distance of 90.16 feet to a point;

with the arc of a curve to the left, having a central angle of 26° 04' 34", a radius of 350.00 feet an arc length of 159.29 feet a chord bearing and distance of North 58° 24' 39" East, 157.92 feet to a point;

North 44° 37' 39" West, a distance of 50.58 feet to a point;
North 00° 00' 00" East, a distance of 110.46 feet to a point;
North 51° 54' 17" West, a distance of 67.65 feet to a point;
North 75° 46' 16" West, a distance of 129.00 feet to a point;
North 78° 41' 48" West, a distance of 44.01 feet to a point;

South 53° 37' 57" West, a distance of 90.91 feet to a point;
North 01° 56' 04" West, a distance of 490.64 feet to a point;

Thence with the northerly line of said "The Woods at Sugar Run Condominium First Amendment", the remainder of said 37.391 acre tract, "The Woods at Sugar Run Condominium Thirteenth Amendment", "The Woods at Sugar Run Condominium Third Amendment Part 1", and "The Woods at Sugar Run Condominium", the following courses and distances:

North 73° 20' 56" East, a distance of 295.74 feet to a point;
North 38° 06' 21" East, a distance of 103.77 feet to a point;
South 36° 22' 03" East, a distance of 332.61 feet to a point;
North 53° 38' 27" East, a distance of 514.48 feet to a point;
South 38° 46' 01" East, a distance of 247.49 feet to a point at a point of curvature;

With said curve to the right, having a central angle of 29° 19' 52", a radius of 205.00 feet an arc length of 104.94 feet and a chord which bears South 24° 06' 05" East, a chord distance of 103.80 feet to a point at a point of tangency;

South 09° 26' 09" East, a distance of 46.08 feet to a point;

Thence North 80° 33' 51" East, a distance of 426.44 feet to the TRUE POINT OF BEGINNING, containing 42.868 acres, more or less.

SUB AREA 2
Description for 38.118 Acres ~ Tract 1
South of Central College Road
West Side of New Albany Road West

Situated in the State of Ohio, County of Franklin, Village of New Albany, Section 14, Quarter Township 2, Township 2, Range 16, United States Military District, and being part the residuum of that 101.642 acre tract conveyed to The New Albany Company of record in Official Records 16105 D10, 12576 B15 and Instrument Numbers 199811120289607 and 199709160093754 and described as follows:

Beginning, for reference, at the centerline intersection of Central College Road with New Albany Road West, of record in Plat Book 103, Pages 32-33, being **N 85° 59' 39" W, 1167.02 feet** from Franklin County Geodetic Survey Monument No. 5211 and **S 85° 59' 39" E, 1543.82 feet** from Franklin County Geodetic Survey Monument No. 5212 RESET;

Thence **N 85° 59' 39" W**, along the centerline of said Central College Road defined by that 3.149 acre tract conveyed to The Board of Franklin County Commissioners of record in Instrument Number 200309290311698, **1147.64 feet**;

Thence **S 4° 00' 21" W**, leaving said centerline of Central College Road, **50.00 feet** to an iron pin set in the south right-of-way of said Central College Road defined by said 3.149 acre tract, the northwest corner of a 6.17 acre tract conveyed to Benchmark New Albany LLC of record in Instrument Number, the **True Point of Beginning**;

Thence **S 7° 03' 09" W**, along a west line of said 6.17 acre tract, **251.19 feet** to a ¾" iron pipe (EMHT) found at an angle point in the west line of said 6.17 acre tract;

Thence **S 38° 06' 21" W**, along a west line of said 6.17 acre tract, and a west line of an original 37.391 acre tract conveyed to Epcor Sugar Run LLC of record in Instrument Numbers 200512160265331, 200811210169095, and 20081121069094, **291.56 feet** to an iron pin set at an angle point in the west line of said original 37.391 acre tract;

Thence **S 73° 20' 56" W**, along a west line of said original 37.391 acre tract, and a north line of The Woods at Sugar Run Condominium, First Amendment of record in Condominium Plat Book 204, Page 34, **295.74 feet** to a ¾" iron pipe

(EMHT) found at the northwest corner of said The Woods at Sugar Run Condominium, First Amendment, a northwest corner of The Woods at Sugar Run Condominium, Second Amendment of record in Condominium Plat Book 207, Page 26;

Thence along the west and south lines of said The Woods at Sugar Run Condominium, Second Amendment the following courses;

S 1° 56' 04" E, 490.64 feet to an iron pin set;

N 53° 37' 57" E, 90.91 feet to an iron pin set;

S 78° 41' 48" E, 44.01 feet to an iron pin set;

S 75° 46' 16" E, 129.00 feet to an iron pin set at a southeast corner of said The Woods at Sugar Run Condominium, Second Amendment, a southwest corner of said The Woods at Sugar Run Condominium, First Amendment;

Thence along the south lines of said The Woods at Sugar Run Condominium, First Amendment the following courses;

S 51° 54' 17" E, 67.65 feet to an iron pin set;

S 00° 00' 00" E, 110.46 feet to a ¾" iron pipe (EMHT) found at a south corner of said The Woods at Sugar Run Condominium, First Amendment, an east corner of The Woods at Sugar Run Condominium, Fifth Amendment of record in Condominium Plat Book 210, Page 46;

Thence along the south and west lines of said The Woods at Sugar Run Condominium, Fifth Amendment the following courses;

S 44° 37' 39" E, 50.58 feet to a Mag Nail found at a point of curvature;

with a curve to the right, having a central angle of **26° 04' 31"**, a radius of **350.00 feet**, and an arc length of **159.29 feet**, a chord bearing and chord distance of **S 58° 24' 36" W, 157.91 feet** to a ¾" iron pipe (EMHT) found;

Thence **S 05° 43' 42" E**, along a west line of said original 37.391 acre tract, **90.16 feet** to a ¾" iron pipe (EMHT) found at an angle point in a south line of said 37.391 acre tract;

Thence **S 57° 53' 19" E**, along a south line of said original 37.391 acre tract, a part of the south lines of The Woods at Sugar Run Condominium, Eighth Amendment of record in Condominium Plat Book 215, Page 52, and part of the south lines of The Woods at Sugar Run Condominium, Sixth Amendment of record in Condominium Plat Book 212, Page 74, **184.51 feet** to a ¾" iron pipe (EMHT) found;

Thence along the west lines of said original 37.391 acre tract the following courses;

S 23° 36' 53" W, 66.57 feet to an iron pin set;

S 02° 52' 54" W, 68.45 feet to an iron pin set;

S 06° 52' 22" E, 70.12 feet to an iron pin set;

S 11° 36' 44" E, 57.07 feet to an iron pin set;

S 16° 21' 05" E, 57.07 feet to an iron pin set;

S 21° 05' 27" E, 57.07 feet to an iron pin set;

S 25° 49' 49" E, 57.07 feet to an iron pin set;

S 30° 34' 11" E, 57.06 feet to an iron pin set;
S 35° 19' 06" E, 57.06 feet to an iron pin set;
S 40° 02' 54" E, 57.06 feet to an iron pin set;
S 44° 47' 16" E, 57.07 feet to an iron pin set;
S 49° 31' 38" E, 57.07 feet to an iron pin set;
S 54° 16' 00" E, 19.00 feet to an iron pin set;
S 28° 28' 55" E, 24.63 feet to an iron pin set;
S 05° 42' 20" E, 216.98 feet to an iron pin set;

with a curve to the left, having a central angle of 71° 44' 16", a radius of 44.57 feet, and an arc length of 55.80 feet, a chord bearing and chord distance of S 49° 46' 36" E, 52.23 feet to a ¾" iron pipe (EMHT) found;

S 05° 36' 02" E, 48.32 feet to an iron pin set in the north limited access right-of-way of Relocated State Route 161, being the north line of the 11.623 acre tract conveyed to The State of Ohio, Department of Transportation of record in Official Record 27687 B06;

Thence S 83° 26' 35" W, along the north line of said 11.623 acre limited access right-of-way tract, 210.77 feet to an iron pin set at an angle point in the north limited access right-of-way of Relocated 161 common to said 11.623 acre tract and a 55.176 acre tract conveyed to The State of Ohio, Department of Transportation of record in Official Record 25998 D10;

Thence S 85° 54' 32" W, along the north line of said 55.176 acre limited access right-of-way tract, 310.06 feet to an iron pin set at an angle point in the north limited access right-of-way of Relocated 161;

Thence N 89° 23' 12" W, along the north line of said 55.176 acre limited access right-of-way tract, and the north of a 0.191 acre tract conveyed to The State of Ohio, Department of Transportation of record in

Official Record 25998 C13, 287.60 feet to an iron pin set at an angle point in the north limited access right-of-way of Relocated 161, common to Rocky Ridge Condominium, Third Amendment of record in Condominium Plat Book 148, Page 24;

Thence N 05° 44' 42" W, along the east line of said Rocky Ridge Condominium, Third Amendment, the east line of Rocky Ridge Condominium, Fourth Amendment of record in Condominium Plat Book 154, Page 17, Rocky Ridge Condominium, Ninth Amendment of record in Condominium Plat Book 185, Page 42, a 5 acre tract conveyed to The New Albany Company of record in Instrument Number 200511100239032, a 5 acre tract conveyed to New Albany Montessori School of record in Instrument Number 200608300172535, and an original 28.528 acre tract conveyed to Sugar Run New Albany Ltd of record in Instrument Number 200506010105555, 1688.35 feet to an iron pin set at a northeast corner of said original 28.528 acre tract;

Thence N 86° 05' 32" W, along a north line of said original 28.528 acre tract, 236.10 feet to a ½" rebar (uncapped) found an angle point in the north line of said original 28.528 acre tract;

Thence N 05° 42' 49" W, along an east line of said original 28.528 acre tract, and an east line of a 7.141 acre tract conveyed to Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints of record in Instrument Number 200706180105427, 886.36 feet to an iron pin set at the northeast corner of said 7.141 acre tract, in said south right-of-way of Central College Road, and at the southeast corner of a 0.374 acre tract conveyed to The Board of Franklin County Commissioners of record in Instrument Number 200808080121067;

Thence S 86° 09' 36" E, along said south right-of-way line of Central College Road, 695.16 feet to an iron pin set at an angle point in said south right-of-way line of Central College Road;

Thence S 85° 59' 39" E, along said south right-of-way line of Central College Road, 396.10 feet to the **True Point of Beginning.**

Containing **38.118 acres** of land, more or less all of which are in APN 010-220116. Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Douglas R. Hock, P.S. 7661 on September 6, 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 the Ohio State Plane Coordinate System, Ohio South Zone, as per NAD83 (1986 Adjustment) which establishes the centerline of Central College Road as being S 85° 59' 39" E between monuments FCGS 5211 and FCGS 5212 as determined by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

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

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said properties are used for single-unit, two-unit, three-unit, four-unit, multiple-unit dwellings or apartment complex and/or those uses permitted in the L-AR-12 Limited Apartment Residential District or the L-AR-O, Limited Apartment Residential/Office District.

SECTION 3. That this ordinance is further conditional as follows:

SUBAREA 1

- a. A system of leisure trails will be incorporated into the community to take advantage of open space and scenic areas as well as provide connectivity to adjacent retail uses.
- b. The maximum number of detached single-unit dwellings that may be built is 68.
- c. The maximum building height for single-unit dwellings shall be 35 feet.
- d. Detached single-unit dwellings exterior materials shall consist of some combination of engineered wood or wood, brick, stone or vinyl.
- e. On the front elevation of detached single-unit dwellings some architectural element shall extend a minimum of three (3) feet forward of the garage.
- f. Garage openings of detached single-unit dwellings will be less than 50% of the width of the front façade.
- g. At least one street tree with a minimum caliper of 2.5" shall be planted for each single-family detached unit and placed along the street in front of the house.
- h. All single-unit dwellings shall have either sloped or pitched roofs. No flat roofs shall be allowed.
- i. No identical elevations for detached single-unit dwellings will be side by side. At developer's discretion, optional dormers, sunrooms, courtyards and other enhanced architectural features will be included.
- j. Each detached single-unit dwelling will provide off street parking for four (4) cars, two (2) inside the garage and two (2) in the driveway.
- k. Sidewalks will be installed in association with all single-unit dwellings. In cases where the single-unit dwelling is only present on one side of the street, a sidewalk will be installed on that side. In cases, where single-unit dwellings are present on both sides of the street, a sidewalk will be installed on one side of the street.

l. Any single-unit dwellings which back to open space, primarily the street system conservation area, will include patio or courtyard gateway connections to the open space.

m. A 25-foot wide buffer shall be established around any wetland.

SUBAREA 2

a. The open space and tree preservation areas for subarea 2 are shown on the submitted site plan titled “Concept Plan for Sugar Run” signed by Jeffrey L. Brown and dated September 15, 2011. A walking path as shown on said, “Concept Plan” shall be installed as part of the development.

b. This subarea shall not have permanent access to Harlem Road.

c. The number of dwelling units shall not exceed 325.

SECTION 4. To repeal ordinance 2043-2007 passed by Columbus City Council on January 14, 2008 and to repeal ordinance 1945-2005 passed by Columbus City Council on December 12, 2005.

SECTION 5. That this ordinance is further conditioned on the applicant obtaining all applicable permits for the proposed use.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.