



Legislation Text

File #: 2885-2021, **Version:** 2

Council Variance Application: CV21-070

APPLICANT: American Community Developers, Inc.; c/o Adam F. Saad, Atty.; 500 South Front Street, Suite 250; Columbus, OH 43215.

PROPOSED USE: Parking lot and reduced development standards for existing multi-unit residential development.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of three parcels developed with a multi-unit residential development zoned in the AR-3, Apartment Residential District. The requested Council variance will accommodate a lot split to create four new parcels for the existing apartment complex for refinancing purposes, necessitating a variance to allow a parking lot as a principal use on two of the proposed lots, with technical variances for interior perimeter yard, vision clearance, and parking-related standards. The proposed lot configuration will result in the existing apartment buildings on Parcels 2 and 4, with parking lots and undeveloped land on Parcels 1 and 3 for potential future development. The site is located within the planning area of the *Hilltop Land Use Plan* (2019), which recommends high density residential land uses for this location. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Staff supports the requested variances, as C2P2 Design Guidelines prioritizes development that utilizes existing infrastructure within urban and established suburban neighborhoods. Staff also recognizes the potential for new development within the site, and the need to facilitate refinancing for needed repairs that ensure the site's ongoing viability as an affordable housing development. The technical variances required for splitting the property into four separate lots are routine, with similar requests being approved by City Council and the Board of Zoning Adjustment.

To grant a Variance from the provisions of Sections 3333.03, AR-3 apartment residential district use; 3312.25, Maneuvering; 3312.27(2), Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.05(A), Vision clearance; and 3333.255, Perimeter yard, of the Columbus City codes; for the property located at **3710 EAKIN RD. (43228)**, to permit parking lots as a principal use and reduced development standards for a multi-unit residential development in the AR-3, Apartment Residential District (Council Variance # CV21-070) **and to declare an emergency.**

WHEREAS, by application # CV21-070, the owner of property at **3710 EAKIN RD. (43228)**, is requesting a Council variance to permit parking lots as a principal use and reduced development standards for a multi-unit residential development in the AR-3, Apartment Residential District; and

WHEREAS, Section 3333.03, AR-3, apartment residential district use, prohibits a parking lot as a principal use, while the applicant proposes to maintain parking lots on Parcels 1 and 3 as a result of a proposed lot split; and

WHEREAS, Section 3312.25, Maneuvering, requires maneuvering area for parking spaces to be located on-site, while the applicant proposes vehicle maneuvering across property lines, as may be applicable with splitting the property into separate parcels, subject to the maneuvering area meeting minimum code dimensions; and

WHEREAS, Section 3312.27(2), Parking setback line, requires the parking setback line to be 25 feet along public streets, while the applicant proposes to maintain a parking setback line of 18 feet along Eakin Road for Parcel 2, and 1 foot along Eakin Road for Parcel 4; and

WHEREAS, Section 3312.29, Parking space, requires 90 degree parking spaces to be no less than 9 feet wide by 18 feet deep, while the applicant proposes parking spaces on Parcels 1 and 2 that are divided by parcel lines, but with the overall parking space meeting the required dimensions; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit on the same parcel as the use occurs, or 83 required spaces for 55 dwelling units on Parcel 2, and 132 required spaces for 88 dwelling units on Parcel 4, while the applicant proposes 74 provided spaces on Parcel 2, and 50 spaces on Parcel 4, but with the overall development surpassing the minimum parking requirements; and

WHEREAS, Section 3321.05(A), Vision clearance, requires clear vision triangles of 10 feet at the intersection of a driveway and the street right-of-way, while the applicant proposes to allow existing parking spaces to encroach within the vision clearance triangles along Eakin Road on Parcels 2 and 4; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard of 25 feet for an apartment complex, while the applicant proposes to conform the existing perimeter yard of the entire development, and allow no perimeter yard along the proposed interior parcel lines; and

WHEREAS, the Greater Hilltop Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the requested variances will accommodate a lot split needed for refinancing purposes, which will provide funding for needed repairs to the existing site and support its ongoing viability as an affordable housing development. The request is consistent with C2P2 Design Guidelines, which prioritizes development that utilizes existing infrastructure. The technical variances required for splitting the property into four separate lots are routine, with similar requests being approved by City Council and the Board of Zoning Adjustment; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **3710 EAKIN RD. (43228)**, in using said property as desired; and

WHEREAS, **an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to allow Applicant time to complete the lot split and close on the financing before the holiday season, for the immediate preservation of the public peace, property, health and safety; now therefore:**

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

SECTION 1. That a Variance from the provisions of Sections 3333.03, AR-3 apartment residential district use; 3312.25, Maneuvering; 3312.27(2), Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.05(A), Vision clearance; and 3333.255, Perimeter yard, of the Columbus City codes; is hereby granted for

the property located at **3710 EAKIN RD. (43228)**, in so far as said sections prohibit parking lots as a principal use in the AR-3, Apartment Residential District; with maneuvering for parking spaces over parcel lines; reduced parking setback from 25 feet along Eakin Road to 18 feet for Parcel 2 and 1 foot for Parcel 4; parking spaces divided by parcel lines, but with the overall parking space meeting the required dimensions; reduced parking on Parcels 2 and 4 from 83 and 132 required spaces to 74 and 50 provided spaces, respectively, but with overall minimum parking requirements being surpassed; a parking encroachment into the required vision clearance triangles on Parcels 2 and 4 along Eakin Road; and a parking and building encroachment into the required 25-foot perimeter yard for the entire existing development, with no perimeter yard requirement along the proposed interior parcel lines; said property being more particularly described as follows:

3710 EAKIN RD. (43228), being 14.11± acres located on the north side of Eakin Road, at the intersection with Wedgewood Drive, and being more particularly described as follows:

TRACT I

DESCRIPTION OF 4.715 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Virginia Military Survey Number 2442, and being a part of that 7.417 acre (original) tract described in a deed to Wedgewood Village 2010 L.L.C., of record in Instrument Number 201010130135951, and excluding that 0.005 acre tract designated as Parcel 57 (CGO No. 125-204) in a deed from the Ohio Fuel Gas Company to Columbia Gas of Ohio, Inc., of record in Deed Book 2542, page 456, originally acquired in Deed Book 1752, page 373, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a MAG nail set at a northwest corner of Dedication of Sullivant Avenue, Wedgewood Drive, Eakin Road, Briggs Road and Storm Sewer Easements, as delineated on the record plat thereof, on file in Plat Book 27, Page 49, being the southwest corner of said 7.417 acre (original) tract, being the southeast corner of the residue of a 24.202 acre (original) tract described in a deed to The Board of Education for the City School District of Columbus, Ohio, of record in Deed Book 2249, Page 380, being the northeast corner of that 0.43 acre right-of-way parcel described in a deed to The City of Columbus, of record in Deed Book 2376, Page 260, and said point being on the north right-of-way of line for Eakin Road (50 feet wide);

Thence North 02 degrees 45 minutes 17 seconds East, along the west line of said 7.417 acre (original) tract, along the east line of said 24.202 acre (original) tract, a distance of 275.20 feet to an iron pin set at the TRUE POINT OF BEGINNING for this description;

Thence North 02 degrees 45 minutes 17 seconds East, continuing along the west line of said 7.417 acre (original) tract and the east line of said 24.202 acre (original) tract, and along the east line of that 2.5533 acre tract described in a deed to McMillen Paving & Sealing, Inc., of record in Official Record 19107 C15, a distance of 508.21 feet to an iron pin set at the northwest corner of said 7.417 acre (original) tract, being the southwest corner of that 1.369 acre tract described in a deed to Wedgewood Sullivant Investments, LLC, of record in Instrument Number 200301060003703;

Thence across said 7.417 acre (original) tract and the herein described parcel, along a course intended only to locate said 0.005 acre Columbia Gas of Ohio exception parcel, South 39 degrees 31 minutes 09 seconds East, a distance of 14.87 feet to an iron pin set at the northwest corner of said 0.005 acre exception;

Thence resuming along the boundary lines of the herein described parcel, along the following four (4) described courses:

1. South 87 degrees 14 minutes 43 seconds East, along the north line of said 0.005 acre exception, a distance of 16.00 feet to an iron pin set at northeast corner of said 0.005 acre exception;
2. South 02 degrees 45 minutes 17 seconds West, along the east line of said 0.005 acre exception, a distance of 14.00 feet to an iron pin set at the southeast corner of said 0.005 acre exception;
3. North 87 degrees 14 minutes 43 seconds West, along the south line of said 0.005 acre exception, a distance of

- 16.00 feet to an iron pin set at the southwest corner of said 0.005 acre exception;
4. North 02 degrees 45 minutes 17 seconds East, along the west line of said 0.005 acre exception, a distance of 14.00 feet and returning to the northwest corner of said 0.005 acre exception;

Thence across said 7.417 acre (original) tract and the herein described parcel, and along the previously described course intended only to locate the said 0.005 acre exception, North 39 degrees 31 minutes 09 seconds West, a distance of 14.87 feet, returning to the previously described iron pin set at the northwest corner of said 7.417 acre (original) tract;

Thence North 86 degrees 36 minutes 05 seconds East, along the north line of said 7.417 acre (original) tract, along the south line of said 1.369 acre tract, a distance of 200.11 feet to a $\frac{3}{4}$ inch iron pipe found at the northeast corner of said 7.417 acre (original) tract, being the southeast corner of said 1.369 acre tract, and being on the west right-of-way line for Wedgewood Drive (60 feet wide) as dedicated by said Plat Book 27, Page 49;

Thence along the easterly lines of said 7.417 acre (original) tract, along the westerly right-of-way line for said Wedgewood Drive, along the following five (5) described courses:

1. South 02 degrees 50 minutes 34 seconds West, a distance of 39.38 feet to a point of curvature (reference a $\frac{3}{4}$ inch iron pipe found with an illegible cap North 57 degrees 51 minutes 13 seconds East at a distance of 0.09 feet);
2. Along the arc of a curve to the left, said curve having a radius of 280.00 feet, a central angle of 45 degrees 00 minutes 00 seconds, and an arc length of 219.91 feet to a $\frac{3}{4}$ inch iron pipe found with a Bird and Bull cap at a point of tangency, said curve being subtended by a long chord having a bearing of South 19 degrees 39 minutes 26 seconds East and a length of 214.30 feet;
3. South 42 degrees 09 minutes 26 seconds East, a distance of 280.12 feet to a point of curvature (reference a $\frac{3}{4}$ inch iron bar found North 06 degrees 28 minutes 44 seconds West at a distance of 0.22 feet);
4. Along the arc of a curve to the right, said curve having a radius of 220.00 feet, a central angle of 45 degrees 00 minutes 00 seconds, and an arc length of 172.79 feet to a $\frac{3}{4}$ inch iron pipe found at a point of tangency, said curve being subtended by a long chord having a bearing of South 19 degrees 39 minutes 29 seconds East and a distance of 168.38 feet;
5. South 02 degrees 50 minutes 34 seconds West, a distance of 135.67 feet to an iron pin set;

Thence across said 7.417 acre tract, along new division lines, along the following three (3) described courses:

1. North 86 degrees 59 minutes 10 seconds West, a distance of 107.58 feet to an iron pin set;
2. North 27 degrees 08 minutes 37 seconds West, a distance of 227.30 feet to an iron pin set;
3. North 87 degrees 14 minutes 45 seconds West, a distance of 321.48 feet to the TRUE POINT OF BEGINNING for this description.

The above description contains a total area of 4.715 acres out of Franklin County Auditor's parcel number 010-111172, being exclusive of the 0.005 acres that comprises all of Franklin County Auditor's parcel number 010-111265.

Iron pins referenced as set are $\frac{5}{8}$ inch diameter by 30 inch long rebar with caps inscribed "ASI PS 8438".

Bearings described herein are based on the bearing of North 86 degrees 59 minutes 32 seconds West for the centerline of Eakin Road, as measured from Grid North referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), established utilizing a GPS survey and the Ohio Department of Transportation's VRS Network.

TRACT II

DESCRIPTION OF 2.696 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Virginia Military Survey Number 2442, and being a part of that 7.417 acre (original) tract described in a deed to Wedgewood Village 2010 L.L.C., of record in Instrument Number 201010130135951, all records referenced herein are on file at the Office of the Recorder for Franklin

County, Ohio, and being further bounded and described as follows:

BEGINNING at a MAG nail set at a northwest corner of Dedication of Sullivant Avenue, Wedgewood Drive, Eakin Road, Briggs Road and Storm Sewer Easements, as delineated on the record plat thereof, on file in Plat Book 27, Page 49, being the southwest corner of said 7.417 acre (original) tract, being the southeast corner of the residue of a 24.202 acre (original) tract described in a deed to The Board of Education for the City School District of Columbus, Ohio, of record in Deed Book 2249, Page 380, being the northeast corner of that 0.43 acre right-of-way parcel described in a deed to The City of Columbus, of record in Deed Book 2376, Page 260, and said point being on the north right-of-way of line for Eakin Road (50 feet wide);

Thence North 02 degrees 45 minutes 17 seconds East, along the west line of said 7.417 acre (original) tract, along the east line of said 24.202 acre (original) tract, a distance of 275.20 feet to an iron pin set;

Thence across said 7.417 acre (original) tract, along new division lines, along the following three (3) described courses:

1. South 87 degrees 14 minutes 45 seconds East, a distance of 321.48 feet to an iron pin set;
2. South 27 degrees 08 minutes 37 seconds East, a distance of 227.30 feet to an iron pin set;
3. South 86 degrees 59 minutes 10 seconds East, a distance of 107.58 feet to an iron pin set at a point on the east line of said 7.417 acre (original) tract, being on the west right-of-way line for Wedgewood Drive (60 feet wide), a dedicated by said Plat Book 27, page 49;

Thence South 02 degrees 50 minutes 34 seconds West, along the east line of said 7.417 acre (original) tract, along the west right-of-way line for said Wedgewood Drive, a distance of 60.00 feet to a point of curvature (reference a $\frac{3}{4}$ inch iron pipe found with an illegible cap North 88 degrees 52 minutes 46 seconds East at a distance of 0.13 feet);

Thence along the arc of a curve to the right, along a southeast line of said 7.417 acre (original) tract and the northwest right-of-way line for said Wedgewood Drive and said Eakin Road, said curve having a radius of 20.00 feet, a central angle of 90 degrees 09 minutes 55 seconds, and an arc length of 31.47 feet to a $\frac{3}{4}$ inch iron pipe found with an illegible cap at a point of tangency, said curve being subtended by a long chord having a bearing of South 47 degrees 55 minutes 31 seconds West and a length of 28.33 feet;

Thence North 86 degrees 59 minutes 32 seconds West, along the south line of said 7.417 acre (original) tract, along the north right-of-way line of said Eakin Road, a distance of 522.18 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 2.696 acres out of Franklin County Auditor's parcel number 010-111172.

Iron pins referenced as set are 5/8 inch diameter by 30 inch long rebar with caps inscribed "ASI PS 8438".

Bearings described herein are based on the bearing of North 86 degrees 59 minutes 32 seconds West for the centerline of Eakin Road, as measured from Grid North referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), established utilizing a GPS survey and the Ohio Department of Transportation's VRS Network.

TRACT III

DESCRIPTION OF 3.634 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Virginia Military Survey Number 2442, and being a part of that 6.689 acre tract described in a deed to Wedgewood Village 2010 L.L.C., of record in Instrument Number 201010130135951, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a $\frac{3}{4}$ inch iron pipe found at a northeast corner of Dedication of Sullivant Avenue, Wedgewood Drive, Eakin Road, Briggs Road and Storm Sewer Easements, as delineated on the record plat thereof, on file in Plat Book 27, Page 49, being the southwest corner of Lot 142 of Westgate Terrace, as numbered and delineated on

the record plat thereof, on file in Plat Book 29, Page 41, and being on the north right-of-way line for Eakin Road (50 feet wide);

Thence North 02 degrees 51 minutes 55 seconds West, along the east line of said 6.689 acre tract, along the west line of said Lot 142 and the west lines of Lots 143, 144, 145, 146, 147, 148, 149, 150, and 151 of said Westgate Terrace, a distance of 574.13 feet to an iron pin set at the TRUE POINT OF BEGINNING for this description;

Thence across said 6.689 acre tract, along new division lines, along the following five (5) described courses:

1. North 86 degrees 58 minutes 06 seconds West, a distance of 200.06 feet to an iron pin set;
2. South 53 degrees 21 minutes 26 seconds West, a distance of 54.59 feet to an iron pin set at a point of curvature;
3. Along the arc of a curve to the left, said curve having a radius of 60.50 feet, a central angle of 29 degrees 32 minutes 25 seconds, and an arc length of 31.19 feet to an iron pin set at a point of reverse curvature, said curve being subtended by a long chord having a bearing of South 38 degrees 35 minutes 14 seconds West and a length of 30.85 feet;
4. Along the arc of a curve to the right, said curve having a radius of 147.00 feet, a central angle of 22 degrees 41 minutes 04 seconds, and an arc length of 58.20 feet to an iron pin set at a point of tangency, said curve being subtended by a long chord having a bearing of South 35 degrees 09 minutes 34 seconds West and a length of 57.82 feet;
5. South 46 degrees 30 minutes 06 seconds West, a distance of 34.62 feet to an iron pin set on the west line of said 6.689 acre tract, being on the east right-of-way line for said Wedgewood Drive;

Thence North 42 degrees 09 minutes 26 seconds West, along the west line of said 6.689 acre tract, along the east right-of-way line for said Wedgewood Drive, a distance of 242.43 feet to a $\frac{3}{4}$ inch iron pipe found with a Bird and Bull cap at a point of curvature;

Along the arc of a curve to the right, continuing along the west line of said 6.689 acre tract and the east right-of-way line for said Wedgewood Drive, said curve having a radius of 220.00 feet, a central angle of 45 degrees 00 minutes 00 seconds, and an arc length of 172.79 feet to a point of tangency (reference a $\frac{3}{4}$ inch iron pipe found with a Bird and Bull cap), said curve being subtended by a long chord having a bearing of North 19 degrees 39 minutes 26 seconds West and a length of 168.38 feet;

Thence North 02 degrees 50 minutes 34 seconds East, continuing along the west line of said 6.689 acre tract and the east right-of-way line for said Wedgewood Drive, a distance of 45.94 feet to a $\frac{5}{8}$ inch iron pin found at the northwest corner of said 6.689 acre tract, being the southwest corner of that 2.700 acre tract described in a deed to 3651 Sullivan, LLC, of record in Instrument Number 200704020055579;

Thence North 86 degrees 36 minutes 05 seconds East, along the north line of said 6.689 acre tract, along the south line of said 2.700 acre tract, and along the south line of that 1.088 acre tract described in a deed to 3651 Sullivan, LLC, of record in Instrument Number 200704020055579, a distance of 554.28 feet to a $\frac{3}{4}$ inch iron pipe found with a PLS 6736 cap at the northeast corner of said 6.689 acre tract, being the southeast corner of said 1.088 acre tract, and being the northwest corner of Lot 155 and the southwest corner of Reserve B, both of said Westgate Terrace (reference a $\frac{3}{4}$ inch iron pipe found with a BDM cap North 88 degrees 52 minutes 46 seconds East at a distance of 0.11 feet);

Thence South 02 degrees 51 minutes 55 seconds West, along the east line of said 6.689 acre tract, along the west line of said Lot 155 and the west lines of Lots 154, 153, 152 and 151 of said Westgate Terrace, a distance of 300.19 feet to the TRUE POINT OF BEGINNING for this description.

The above description contains a total area of 3.634 acres, being 0.3377 acres out of Franklin County Auditor's parcel number 010-111173 and 0.257 acres out of Franklin County Auditor's parcel number 010-111174.

Iron pins referenced as set are $\frac{5}{8}$ inch diameter by 30 inch long rebar with caps inscribed "ASI PS 8438".

Bearings described herein are based on the bearing of North 86 degrees 59 minutes 32 seconds West for the centerline of

Eakin Road, as measured from Grid North referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), established utilizing a GPS survey and the Ohio Department of Transportation's VRS Network.

TRACT IV

DESCRIPTION OF 3.060 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Virginia Military Survey Number 2442, and being a part of that 6.689 acre tract described in a deed to Wedgewood Village 2010 L.L.C., of record in Instrument Number 201010130135951, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at a $\frac{3}{4}$ inch iron pipe found at a northeast corner of Dedication of Sullivant Avenue, Wedgewood Drive, Eakin Road, Briggs Road and Storm Sewer Easements, as delineated on the record plat thereof, on file in Plat Book 27, Page 49, being the southwest corner of Lot 142 of Westgate Terrace, as numbered and delineated on the record plat thereof, on file in Plat Book 29, Page 41, and being on the north right-of-way line for Eakin Road (50 feet wide);

Thence North 86 degrees 59 minutes 32 seconds West, along the south line of said 6.689 acre tract, along the north right-of-way line of said Eakin Road, a distance of 186.20 feet to a $\frac{3}{4}$ inch iron pipe found with a Bird and Bull cap at a point of curvature;

Thence along the arc of a curve to the right, along a southwest line of said 6.689 acre tract, along the northeast right-of-way line for said Eakin Road and Wedgewood Drive (60 feet wide), said curve having a radius of 20.00 feet, a central angle of 89 degrees 50 minutes 05 seconds, and an arch length of 31.36 feet to a $\frac{3}{4}$ inch iron pipe found with a Bird and Bull cap at a point of tangency, said curve being subtended by a long chord having a bearing of North 42 degrees 04 minutes 29 seconds West and a length of 28.24 feet;

Thence North 02 degrees 50 minutes 34 seconds East, along the west line of said 6.689 acres, along the east right-of-way line for said Wedgewood Drive, a distance of 195.96 feet to a point of curvature (reference a $\frac{3}{4}$ inch iron bar found North 57 degrees 50 minutes 25 seconds West at a distance of 0.08 feet);

Thence along the arc of a curve to the left, continuing along the west line of said 6.689 acres and the east right-of-way line for said Wedgewood Drive, said curve having a radius of 280.00 feet, a central angle of 45 degrees 00 minutes 00 seconds, and an arc length of 219.91 feet to a point of tangency (reference a $\frac{3}{4}$ inch iron bar found North 06 degrees 28 minutes 44 seconds West at a distance of 0.14 feet), said curve being subtended by a long chord having a bearing of North 19 degrees 39 minutes 26 seconds West and a length of 214.30 feet;

Thence North 42 degrees 09 minutes 26 seconds West, continuing along the west line of said 6.689 acres and the east right-of-way line for said Wedgewood Drive, a distance of 37.69 feet to an iron pin set;

Thence across said 6.689 acre tract, along new division lines, along the following five (5) described courses:

1. North 46 degrees 30 minutes 06 seconds East, a distance of 34.62 feet to an iron pin set at a point of curvature;
2. Along the arc of a curve to the left, said curve having a radius of 147.00 feet, a central angle of 22 degrees 41 minutes 04 seconds, and an arc length of 58.20 feet to an iron pin set at a point of reverse curvature, said curve being subtended by a long chord having a bearing of North 35 degrees 09 minutes 34 seconds East and a length of 57.82 feet;
3. Along the arc of a curve to the right, said curve having a radius of 60.50 feet, a central angle of 29 degrees 32 minutes 25 seconds, and an arc length of 31.19 feet to an iron pin set at a point of tangency, said curve being subtended by a long chord having a bearing of North 38 degrees 35 minutes 14 seconds East and a length of 30.85 feet;
4. North 53 degrees 21 minutes 26 seconds East, a distance of 54.59 feet to an iron pin set;
5. South 86 degrees 58 minutes 06 seconds East, a distance of 200.06 feet to an iron pin set on the east line of said 6.689 acre tract, being on the west line of Lot 151 of said Westgate Terrace;

Thence South 02 degrees 51 minutes 55 seconds West, along the east line of said 6.689 acre tract, along the east line of said Lot 151 and the east lines of Lots 150, 149, 148, 147, 146, 145, 144, 143 and 142 of said Westgate Terrace, a distance of 574.13 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 3.060 acres, being 0.181 acres out of Franklin County Auditor's parcel number 010-111173 and 2.879 acres out of Franklin County Auditor's parcel number 010-111174.

Iron pins referenced as set are 5/8 inch diameter by 30 inch long rebar with caps inscribed "ASI PS 8438".

Bearings described herein are based on the bearing of North 86 degrees 59 minutes 32 seconds West for the centerline of Eakin Road, as measured from Grid North referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), established utilizing a GPS survey and the Ohio Department of Transportation's VRS Network.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a parking lot or a multi-unit residential development, or those uses permitted in the AR-3, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits Certificate of Zoning Clearance for the proposed use.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~
That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.