

State of Georgia
Fulton County

Case # RZ12-05

A RESOLUTION THAT THE MAYOR AND CITY COUNCIL GRANT APPROVAL FOR PROPERTY LOCATED IN LAND LOT 1236 OF THE 1st DISTRICT, 2nd SECTION FOR A REZONING WITH CONCURRENT VARIANCES TO ALLOW FOR 27 SINGLE FAMILY HOMES PER CASE # RZ12-05 AND CV12-02 LOCATED AT ETRIS RD. AND KENT RD.

WHEREAS: Notice to the public regarding said zoning has been duly published in the Roswell Neighbor, the official news organ of the City of Roswell; and

WHEREAS: The property was rezoned by the Mayor and City Council to R-1 on August 13, 2012; and

WHEREAS: A public hearing was held by the Mayor and City Council on April 8, 2013; and

WHEREAS: The Mayor and City Council is the governing authority of the City of Roswell; and

WHEREAS: The Mayor and City Council has reviewed the rezoning based on the Standards of Review found in Section 31.1.12, Table 31.1.4 of the Roswell Zoning Ordinance; and

WHEREAS: The Mayor and City Council has reviewed the variance request based on the Authority to Grant Concurrent Variances found in Section 31.1.29 and the Criteria to Consider for Concurrent Variances found in Section 31.1.31 of the Roswell Zoning Ordinance; and

WHEREAS: The Mayor and City Council has reviewed the rezoning based on the 2030 Comprehensive Plan character area Suburban Residential; and

NOW THEREFORE, BE IT RESOLVED, The City of Roswell Mayor and City Council while in session on April 8, 2013 hereby ordains and approves this rezoning with concurrent variances for property located at Etris Road and Kent Road with the following conditions.

1. The owner/developer shall develop the property in substantial accordance with and in accordance with the revised site plan dated 11-26-2012 revision and attached hereto. (Stamped Received March 4, 2013 Community Development Department).
2. The project will include a maximum of 27 homes/lots.
3. The minimum allowable square footage of homes will be 2,600 square feet in lieu of the zoning requirement of 1,500 square feet. The maximum lot coverage in the section zoned R-2 will be 35% and the maximum lot coverage in the section zoned R-1 will be 30%.
4. Prior to commencement of land disturbance, the owner/developer will provide proof that sewer taps have been obtained.

5. The owner/developer will provide screening around all detention ponds as required by the City of Roswell and determined by the City Landscape Architect.
6. The entrance and frontage landscaping to be consistent with plan designed by B+C Studio dated 10-3-2012 and attached hereto.
7. The owner/developer shall remove the cul-de-sac at the end of Public Street A in order to have access from Kent Road. The developer must install a break away gate.
8. The owner/developer will install a break away gate on Kent Road for emergency purposes only.
9. The owner/developer shall install a five (5) foot sidewalk along the entrance as required by the City of Roswell Transportation Department. The owner/developer shall dedicate right-of-way to the City of Roswell to encompass said sidewalk.
10. The owner/developer shall dedicate sufficient right-of-way at the time of the final plat at the corner of Kent Road and Etris Road as required by the Roswell Transportation Department.
11. The shared drive for the three lots shall be a one-way drive and connect to Etris Road as required by the Roswell Transportation Department.
12. The owner/developer shall have connectivity to the parcel located to the north on the tract one side of the property for future development. The developer shall completely build the stub-out street to the 30' buffer line to be finished prior to the final plat. The stub-out street shall be shown on the preliminary and final plans. The owner/developer shall place a 4' x 4' sign identifying the end of the street as future connectivity.
13. A preliminary plat shall be completed and approved before submittal for the Land Development Permit.
14. The preliminary and final plat shall indicate a no access easement for all lots along both sides of Etris Road and for the lots along Kent Road.
15. The open space within the subdivision shall be listed in the Homeowner's Association covenants related to the maintenance of the area.
16. The Homeowner's Association documents, including items 1-13 in the settlement documents, must be recorded in conjunction with the final plat and prior to the issuance of the first single family home building permit.
17. A steep slope analysis shall be submitted and approved by the City of Roswell prior to the submittal for the preliminary plat.
18. The owner/developer shall make appropriate lot adjustments to sufficiently comply stormwater management requirements best management practices in a manner approved by the City of Roswell prior to the submittal of the preliminary plat.
19. The owner/developer shall provide a landscaping and fencing plan along the western side of Etris Road behind lots 1-7, 22-24 and pond #2. The landscaping and fencing plan shall be approved by the City of Roswell Design Review Board.
20. There shall be a 20-foot landscaped easement along the western side of Etris Road to be controlled and maintained by the Homeowner's Association. The easement must be shown on the final approved site plan, recorded plat, and recorded as an easement for enforcement.
21. There shall be a 30-foot side buffer along the western property line of the western parcel on lots 11,12,16,17,19, 20 and 21.

22. There shall be a 35 foot buffer between the subject property and Edenwilde Subdivision.
23. The owner/developer will provide a living fence similar to photos attached of plantings at Crabapple Manor. This fence or planting option will apply to areas along property lines in Hamilton Commons and Edenwilde where homes in new development abut existing homes. Trees planted within the 30 foot buffer must start at 6-7' tall, planted in groups of 5, 2 deep and staggered 12' centered (as per the photos provided, which is consistent with the "living fence" in Crabapple Manor.) The specific trees chosen will be a combination of the following, due to their potential height: Green Giant Arborvitae, Bracken Brown Magnolia, or Nellie R Stevens Holly.
24. The landscaping plan, per B+C Studio, will also pertain to Kent Road as required by the Land Development Plan and as approved by the City's Landscape Architect.
25. There shall be a pocket park, in the specified location as indicated on the site plan, dated 11-26-2012 as attached hereto.
26. Minimum street front setbacks: R-2 zoned properties shall be 25 feet and R-1 zoned properties shall be 25 feet.
27. Three year Maintenance Bond held by the City of Roswell.
28. All drainage design will comply with the City of Roswell regulations.
29. All construction activities will adhere to the City of Roswell Code of Ordinances, Section 5.1.13, Construction Activities Restricted to Certain Hours.

So effective this 8th day of April, 2013.


Jere Wood, Mayor

