



**Etris Road Rezoning Case #RZ 12-05
Final Settlement Conditions**

Whereas, Edwards Andrews Homes (EAH) Investments, LLC and adjacent residents (Wexford, Edenwilde, Hamilton Commons, and Kent Road) wish to amend the zoning site plan and conditions relative to Case #RZ 12-05. These conditions are proposed to replace those approved by Mayor and Council on August 13, 2012. In return for approval and acceptance of the new conditions by Mayor and Council, EAH Investments, LLC will drop the current lawsuit filed against the City of Roswell immediately following approval by City Council and the 30 day appeal period.

Proposed Conditions

1. The owner/developer shall develop the property in substantial compliance with and in accordance with the revised site plan dated 11-26- 2012 revision and attached hereto.
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, EAH Investments, LLC will provide proof that sewer taps have been obtained.
5. EAH Investments, LLC 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. EAH 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 (need to name which 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 property 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 must be recorded in conjunction with the final plat and prior to 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 plant.
18. The owner/developer shall make appropriate lot adjustments to sufficiently comply with stormwater management requirements best management practices in a manner approved by the City of Roswell prior to the submittal of the preliminary plant.
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 northern property line of the western parcel on lots 11, 12, 16, 17, 19, 20 & 21.
22. There shall be a 35-foot buffer between the subject property and Edenwilde Subdivision.
23. EAH Investments 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, be 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 Stevens Magnolia.

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.



**REQUIREMENTS TO BE INCLUDED IN THE HOMEOWNER
DOCUMENTS/COVENANTS**

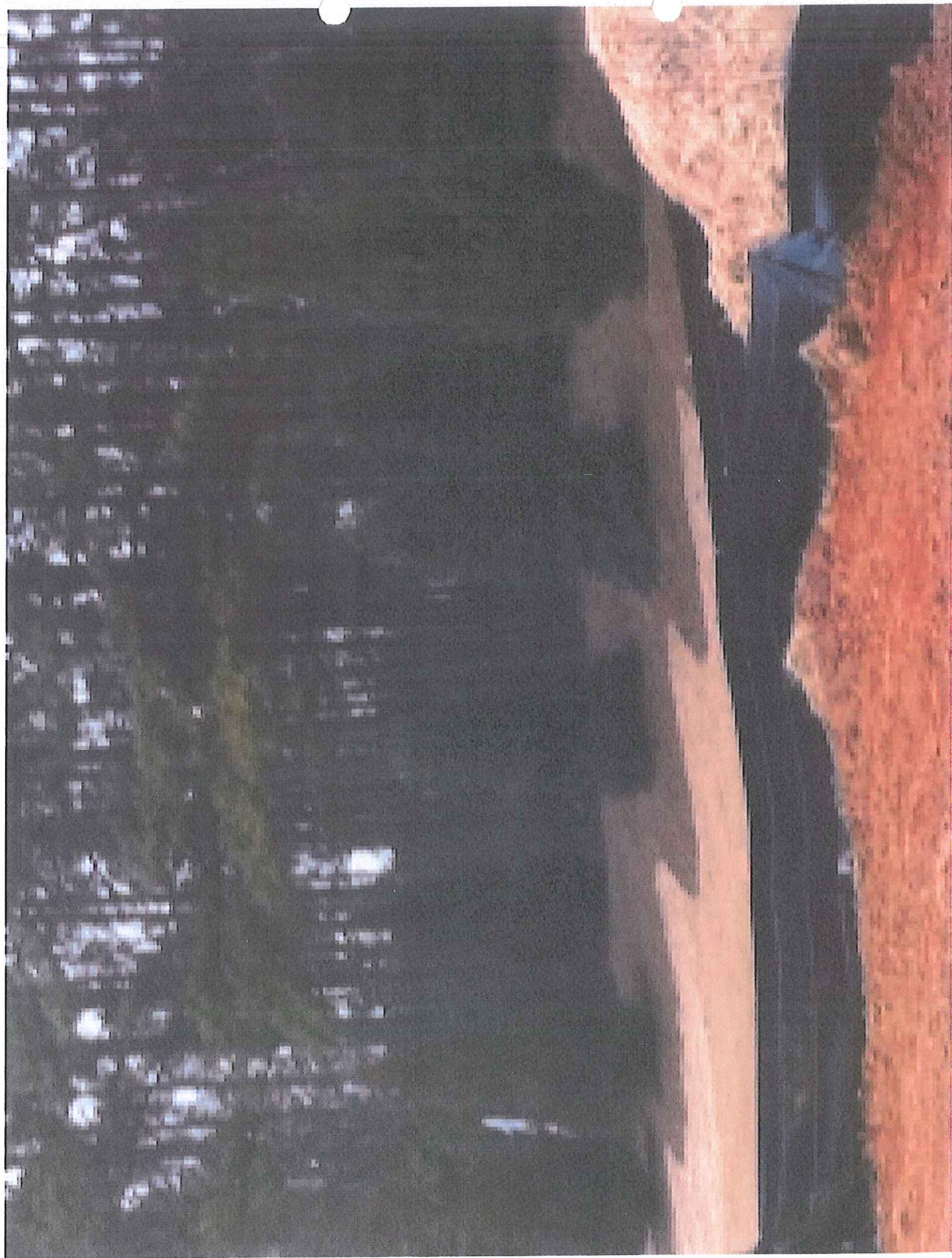
1. A minimum of 50% of the homes will have a side-entry garage.
2. A minimum of 50% of the homes will have a basement.
3. All homes will be a mix of brick, stone, and hardiplank siding.
4. There shall be no exposed concrete on sides of homes. All water tables shall be brick or stone.
5. All homes shall have a minimum of nine (9)-foot ceilings on main living areas.
6. All kitchen countertops shall be granite or equivalent hard surface.
7. All kitchen appliances shall be stainless steel.
8. Architectural shingles shall be required.
9. All mailboxes shall be decorative and of like kind.
10. All homes shall have a 2-10 home warranty.
11. EAH Investments will include a provision in the Homeowner's documents outlining the 30-foot wide buffer abutting Hamilton Commons is a natural buffer and must not be disturbed. The HOA documents will include a provision establishing a \$2,500 penalty if the buffer is disturbed.
12. Homeowner documents/covenants should specify who is responsible for the maintenance of the detention ponds and landscaping.
13. If a fence is chosen rather than planting the maintenance of the fence that will be put up along the border of Hamilton Commons/Edenwilde shall be the responsibility of the Homeowner's Association.







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"Living Fences" is a locally owned and operated company in Marietta, Georgia USA specializing in the installation of living privacy screens.

We offer a variety of evergreen trees ranging in size from 6 feet tall to instant privacy screens as tall as 15 feet.

Why "Do-It Yourself" when our experienced crews can deliver and install your living privacy screen for often the same price you would pay at the local garden center or "Do-It-Yourself" retailer.



These are #1 grade evergreens.

Remember "If we wouldn't have it at our house, we won't plant it at yours!"

Leyland Cypress

The leyland cypress's fast growth rate of 3 feet or more a year make it the most popular and often the most economical of the Living Fence options. They are magnificent evergreens providing a dense privacy barrier and help soften noise from adjacent properties or roads. Leyland cypress grow best in full sun.

- Leyland Cypress
(*Cupressocyparis Leylandii*)
- Mature Height: 50' +
- Growth Rate: Fast
- Growth Habit: Pyramidal
- Foliage: Medium to Dark Green
- Fall Color: Medium to Dark Green
- Flower: Not Applicable

Cryptomeria Yoshino

Cryptomeria are a graceful option for a Living Fence offering bright blue-green summer foliage that takes on a bronze hue in winter. Cryptomeria are broader at maturity than the leyland cypress or arborvitae thus needing a relatively open area for planting. They grow well in full or partial sun.

- Japanese Cedar
(*Cryptomeria Japonica*)
- Mature Height: 50'
- Growth Rate: Fast
- Growth Habit: Pyramidal
- Foliage: Bright Green to Blue-Green
- Fall Color: Green to Bronze Depending upon Winter Temperatures



Nellie R Stevens Holly

Nellie Stevens holly are undoubtedly the most popular holly used as a living fence and justifiably so. Their relatively fast growth rate, lustrous green leaves and red winter berries (if pollinated) make a stately and highly effective privacy screen option. Nellie Stevens are readily available in a wide variety of sizes and are often the most economical of the hollies. They are moderately wide at maturity and easily pruned.

- Nellie R. Stevens Holly
(*Ilex* x "Nellie R Stevens")
- Mature Height: 20-25 feet
- Growth Rate: Fast
- Growth Habit: Broad, Pyramidal
- Foliage: Glossy, Dark Green
- Fall Color: Dark Green, Red Berries

Mary Nell Holly

Mary Nell hollies have a smaller leaf and are slower growing than the Nellie Stevens holly thus making it a little easier to maintain if pruning is going to be a necessity. Mary Nells are currently available in smaller sizes only and grow in full or partial sun.

Living Fences Evergreen Privacy Screens Living Fence Options



- Mary Nell Holly
(Ilex x 'Mary Nell')
- Mature Height: 20-25 feet
- Growth Rate: Fast
- Growth Habit: Pyramidal
- Foliage: Glossy, Dark Green
- Fall Color: Dark Green, Red Berries

Fosteri Holly

The Fosteri Holly is an excellent living fence option for narrow spaces as they are not as broad growing as other hollies. Fosteri hollies have small, dark green leaves, a profusion of red winter berries (if pollinated) and are easily pruned to maintain their width. They grow well in full or partial sun and are available in a variety of sizes.



- Fosteri Holly
(Ilex x attenuata 'Fosteri')
- Mature Height: 15-20 feet
- Growth Rate: Fast
- Growth Habit: Narrow Pyramidal
- Foliage: Dark Green
- Fall Color: Dark Green, Red Berries

Little Gem Magnolia

Little Gem magnolias are a perfectly wonderful option to consider as a living fence. They mature at approximately 20 feet making it one of the smallest growing varieties of the old fashioned favorite, "Southern Magnolia". Little gem magnolias have small, lustrous, dark green leaves with a fuzzy bronze/brown color on the bottom and 4"-6" white flowers almost continuously during the growing season. They have a moderate growth rate and are available in a variety of sizes.



- Little Gem Magnolia
(Magnolia Grandiflora 'Little Gem')
- Mature Height: 20'
- Growth Rate: Slow to Medium
- Growth Habit: Pyramidal
- Foliage: Small, Dark Green with Brown Beneath
- Fall Color: Dark Green
- Flower: White



Southern Magnolia

The cultivar varieties such as "Bracken Brown Beauty" and "D.D. Blanchard" magnolias are an excellent option for a tall living fence as these varieties mature at approximately 50 feet. They are elegant, handsome trees possessing lustrous dark, green leaves with a fuzzy

bronze/brown back and large white blooms in May/June. The southern magnolia has a relatively wide spread at maturity thus limiting it to larger spaces.



- Southern Magnolia
(Magnolia Grandiflora 'cultivars')
- Mature Height: 40-50 feet
- Growth Rate: Slow to Medium
- Growth Habit: Pyramidal

Living Fences Evergreen Privacy Screens Living Fence Options



- Foliage: Dark Green Leaves with Brown Beneath
- Fall Color: Dark Green
- Flower: White



Deodar Cedar

The graceful growth habit and unique foliage color of the deodar cedar make it an excellent option as a living fence. Although not as dense as other evergreen screens the Deodar cedar can make a wonderful addition to most any living fence. Planting them as stand alone specimens or in small groups can break the monotony when large numbers of evergreens are required to screen a particular application.

- Deodar Cedar
(*Cedrus Deodara*)
- Mature Height: 40'
- Growth Rate: Medium
- Growth Habit: Broad Pyramidal
- Foliage: Gray Green with Blue Hue
- Fall Color: Gray Green with Blue Hue

Emerald Arborvitae

With its mature height of 10'-15' and narrow growth habit the emerald arborvitae is an excellent medium height option for a living fence. The emerald arborvitae retains its lustrous emerald green foliage year around and is available in a wide variety of sizes.



- *Thuja occidentalis* "Emerald Green"
- Mature Height: 10-15 feet
- Growth Rate: Slow to Medium
- Growth Habit: Dense, Narrow Pyramidal
- Foliage: Dark Green
- Fall Color: Dark Green



Nigra Arborvitae

Nigra Arborvitae (*Thuja Occidentalis* "Nigra") - An excellent medium height option for a living fence! The nigra arborvitae keeps its dark green foliage through the winter months and is well suited for areas where height is needed but mature width is an issue. Most horticultural authorities classify its growth rate as medium with a mature width of only 4'-6'. Nigra arborvitae are readily available in a wide range of sizes.

- Mature Height: 20-25 feet
- Growth Rate: Medium
- Growth Habit: Pyramidal
- Foliage: Dark Green
- Fall Color: Dark Green
- Flower: Not Applicable

"Emily Brunner" Holly

"Emily Brunner" Holly (Ilex x "Emily Brunner") Another excellent holly for a living fence! Emily Brunner hollies mature into a fine specimen hedge maturing at around 20' and produce a heavy crop of red winter berries when pollinated. Emily Brunner hollies are not as abundant as some other choices but there is good value in sizes up to 8'.



- Mature Height: 20'
- Growth Rate: Medium
- Growth Habit: Broad and Pyramidal
- Foliage: Dark Green
- Fall Color: Large Red Winter Berries
- Flower: Not Applicable

**Needle Point Holly**

The Needle Point Holly's dense green foliage, red berries, quick growth rate and affordability make it one of the best choices for a medium height living fence. The Needle Point Holly sets a heavy crop of 1/4" diameter, bright red winter berries and matures at 12' to 15'. It is easily pruned and grows well in sun or partial shade.

- Mature Height: 12 to 15 feet
- Growth Rate: Medium to Fast
- Growth Habit: Upright, Conical
- Foliage: Medium Green
- Fall Color: Medium Green, Red Berries
- Flower: Not Applicable

**Thuja "Green Giant" Arborvitae**

The Green Giant is an excellent option for a natural border and living fence. Its growth pattern is similar to the Leyland Cypress with a comparable fast growth rate of 3 or more feet per year. They provide a dense barrier with a softer and slightly narrower than Leyland Cypress pyramidal look. Additionally, they are virtually immune to some of the diseases that can affect the Leyland Cypress so are in high demand. They grow best in full sun but are more shade tolerant than the Leyland Cypress.



- Thuja "Green Giant"
(hybrid of Thuja Plicata and Thuja Standishii)
- Mature Height: 35 to 50 feet
- Growth Rate: Fast
- Growth Habit: Pyramidal
- Foliage: Medium to Dark Green
- Fall Color: Medium to Dark Green
- Flower: Not Applicable