

9/19/12

It looks like we will have 5-6 people or so representing Edenwilde, Wexford, Hamilton Commons and Kent/Etris Rds. While I have convinced everyone that it is certainly worth taking a look at/listening to Paul's thoughts, I want you to be aware of the fact that he is fighting an uphill battle. I do not anticipate that there will be any negotiating taking place. Most parties have agreed to come, listen and ask questions. I anticipate that you may also hear reiteration of many of the concerns that have been aired in the past couple of months. Also, given what people have seen from the developer so far and with the Summit at Hardscrabble bankruptcy still fresh in everyone's mind, there is heightened sensitivity to promises that may or may not be kept.

One question that has been asked a couple times: If some of the land is zoned R-2 and then the developer pulls out, what restrictions or promises that the builder made/agreed to will live on with the land? We know that the approved variances live on, but most likely those variances will not be in our favor. What about the following: 1) Agreed to buffer minimums, 2) Agreed to lot size minimum (assuming he has agreed to something bigger than the 12K min lot size as defined by R-2), 3) Agreed to home size minimum (assuming he has agreed to the something larger than the 1200 sq ft min as defined by R-2), 4) Agreed to setbacks (assuming he has agreed to something larger than the minimums defined by R-2) and 5) Agreed to architectural design/materials and the number of homes with basements. My gut says that most of these won't pertain to any new builder and may not even be guaranteed by Paul.

Obviously, you can see where folks are going with this question. If (and it is a big "IF") there is to be any support for a density higher than R-2, people want to feel comfortable that everything that is being promised by the developer, to assure that the value of the homes built will be comparable to the surrounding area, is upheld. Furthermore, if something happens to Paul, what assurances do we have that the homes on the R-2 land will be built as we have all agreed upon by another developer?

Just food for thought, but wanted you to be aware of the big question on everyone's mind before walking into the meeting tomorrow.

Sent: Monday, September 24, 2012 11:03 AM

To: charley@comsquared.com; darren_horvath@comcast.net; dpg10sga@gmail.com; henlebennc@aol.com; brucedunkley@msn.com; brad.gardner54@gmail.com; bernieolszeski@earthlink.net; tburke260@comcast.net; beaker10s@gmail.com; barbara.hampton@gatrans.com

Cc: [Nancy Diamond](#)

9/24/12

All - Wanted to pass along the email below from Nancy Diamond.

Lee Pettit
The Weather Channel Companies
300 Interstate N. Parkway SE
Atlanta, GA 30339
770-226-2354
lpettit@weather.com

-----Original Message-----

From: Nancy Diamond [mailto:ndiamond@roswellgov.com]
Sent: Sunday, September 23, 2012 9:07 PM

To: Paul Corley; Pettit, Lee
Cc: Rich Dippolito; Jerry Orlans; Lisa Hines
Subject: RE: Message from KMBT_C452

Hello All,


Thank you for your time Thursday evening, to meet on the Etris Road project. I believe we had some open, frank and positive discussion, and I'm hopeful that all the effort will bring about a better neighborhood added to the community.

Paul, when you have the items mentioned, we'll get them distributed to all parties.

Lee, I'm not finding the list with emails of all who were there last week, so if you would please pass this along and copy me, I'll make sure future correspondence includes everyone.

Thanks again,
Nancy

10/10/12

Sent: Wednesday, October 10, 2012 9:33 AM
To: [Nancy Diamond](#); LPettit@weather.com; [Rich Dippolito](#); [Jerry Orlans](#); [Lisa Hines](#)
Attachments:  [Etris Road Case RZ 12-05 S~1.pdf \(724 KB\)](#)([Open as Web Page](#))

All,

I appreciate everyone's hard work. I believe I have captured everything we discussed and added a few conditions. Please let me know if I did miss anything or any questions.

I would like to see if we can reach a consensus by next week. If we can reach agreement we would submit the revised plans and conditions to Mayor and Council with our dismissal of pending litigation. Process does need to go through Mayor and Council for approval. These plans and conditions would replace those approved on August 13, 2012.

Let me know if there are any questions. Thanks PC

10/9/12 attachment of draft:

Etris Road Case #RZ 12-05 Settlement

Whereas: EAH Investments, LLC and Residents wish to amend zoning site plan and conditions for Case #RZ 12-05. These conditions would replace those approved by Mayor and Council on August 13, 2012. In return for acceptance of new conditions by Mayor and Council, EAH Investments, LLC would drop current lawsuit filed against City of Roswell.

1. The owner/developer shall develop the property in accordance with revised site plan hereby attached.
2. Project would include a maximum of 27 homes/lots.
3. Minimum of 50% of homes will have a side entry garage.
4. Minimum of 50% of homes will have a basement.
5. Minimum allowable square footage of homes will be 2600 square feet versus zoning requirement of 1500 sf.
6. Prior to commencement of land disturbance, EAH Investments, LLC will provide proof that sewer taps have been obtained.
7. EAH Investments, LLC will use best efforts to move detention pond between lots 10 and 11 away from property line of Hamilton Commons. If unable to move EAH Investments, LLC will provide screening.
8. All ponds will be professionally landscaped.
9. All homes will be a mix of brick, stone and hardiplank siding.
10. There shall be no exposed concrete on sides of homes. All water tables shall be brick or stone.
11. All homes shall have a minimum of 9 foot ceilings on main living areas.
12. All kitchen countertops shall be granite or equivalent hard surface.
13. All kitchen appliances shall be stainless steel.
14. Architectural shingles shall be required.
15. All mailboxes shall be decorative and of like kind.
16. All homes shall include a 2-10 home warranty.
17. Entrance and frontage landscaping to be consistent with plan designed by B+C Studio which is hereby attached.
18. The owner/developer shall remove the cul-de-sac at end of Public Street A in order to have access from Kent Road. Developer to install break away gate.
19. The owner/developer shall dedicate sufficient right-of-way and construct Kent Road so that it is paved at a minimum of 22 feet wide to the entrance as required by the Roswell Transportation Department. This construction shall be completed prior to the approval of the final plat.
20. The owner/developer shall install 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 the sidewalk.

Sent: Wednesday, October 10, 2012 10:19 AM

To: Pettit, Lee [LPettit@weather.com]; Cheryl Henleben (henlebennc@aol.com);
tburke260@comcast.net; Dave.rittenhouse@glatfelter.com; 'david.rittenhouse@totalpapersolutions.com';
BRUCE DUNKLEY [brucedunkley@msn.com]; dpg10sga@gmail.com; darren_horvath@comcast.net;

charley@comsquared.com; brad.gardner54@gmail.com; bernieolszeski@earthlink.net; beaker10s@gmail.com
Cc: Nancy Diamond; Rich Dippolito; Jerry Orlans

All,

I think this is great progress but does not reflect all of what we talked about at the meeting. I have four issues:

1. We talked about a landscaping design filed with the plat for the side along Kent Road as well. I do not see that.
2. We also talked about no paving on Kent road.
This says paved down to the gate on the list of conditions (Item 19) but on the plat it says Kent Road to remain gravel. The list of conditions needs to be corrected to match the plat.
3. The Plat looks to show the entrance on to Kent not just for emergency vehicles. I went by and looked at the emergency entrance on the back side of Brookfield West. I would be comfortable with something like that at the subdivision entrance on to Kent Road. I am not comfortable with the subdivision having an entrance/exit on to Kent Road as the plat currently shows. It should be for emergency vehicles only as discussed in the meeting.
4. Finally, based on the way item 7 is written,
I would want the screening to be placed around the detention pond regardless of whether or not it's close to Hamilton Commons or not.
If it is not close to Hamilton Commons, it's close to Kent Road and should be equally as important to protect.

Thanks for forwarding this to me. I appreciate the opportunity to comment.

Barbara Hampton
360 Kent Road
Roswell, Ga 30075

11/5/12

RE: Etris Road rezoning

Charles Harley [charley@comsquared.com]

Sent: Monday, November 05, 2012 7:37 AM

To: 'Paul Corley' [p.corley@eahhomes.com]; darrenhorvath@comcast.net; dpg10sga@gmail.com; henlebennc@aol.com

Cc: 'BRUCE DUNKLEY' [brucedunkley@msn.com]; brad.gardner54@gmail.com; bernieolszeski@earthlink.net; tburke260@comcast.net; barbara.hampton@gatrans.com; Nancy Diamond; Rich Dippolito; Jerry Orlans; 'Paige Cunningham'

[p.cunningham@eahhomes.com]; 'Lee Pettit' [leepettit67@gmail.com]; beaker10s@gmail.com

Mr. Corley;

Thank you for your patience and your willingness to address adjoining property owners issues. This plan is much improved over the original and I believe is a good attempt at sustaining the quality consistent with the area.

I look forward to working with you as realize your vision for this property and I am hopeful that you will be highly successful in its implementation.`

-----Original Message-----

From: Paul Corley [mailto:p.corley@eahhomes.com]
Sent: Sunday, November 04, 2012 12:32 PM
To: 'Charles Harley (charley@comsquared.com)'; darrenhorvath@comcast.net; dpg10sga@gmail.com; henlebennc@aol.com
Cc: 'BRUCE DUNKLEY (brucedunkley@msn.com)'; brad.gardner54@gmail.com; bernieolszeski@earthlink.net; tburke260@comcast.net; barbara.hampton@gatrans.com; Nancy Diamond (ndiamond@roswellgov.com); rdippolito@roswellgov.com; jorlans@roswellgov.com; Paige Cunningham; Lee Pettit (leepettit67@gmail.com); beaker10s@gmail.com
Subject: Etris Road rezoning

All,

Everyone should have received the new site plan, landscape plan and zoning conditions several weeks ago. I wanted to reach back out to make sure everyone had received and if any additional discussions were needed. I have spoken with Lee and got his input. I have a meeting with Dave tomorrow and also am working on meeting with Cheryl at Hamilton Commons. Please contact me with any questions. I would like to present Roswell Council with amended plans and conditions by next week. I appreciate all your time and effort. PC

Paul E. Corley, Jr.
Chief Executive Officer
Edward Andrews Homes/PEC Development Group
1640 Powers Ferry Road / Building 4 / Suite 300 / Marietta, GA 30067
phone: (770) 541-5256 / fax: (770) 541-5251 / cell: (404) 983-2711
www.edwardandrewshomes.com<<http://www.edwardandrewshomes.com>>
www.pecdevelopment.net<<http://www.pecdevelopment.net>>

11/13/12

Hamilton Commons Mtg with Paul Corley Cheryl Henleben [henlebennc@aol.com]

Sent: Tuesday, November 13, 2012 3:12 PM
To: [Nancy Diamond](mailto:NancyDiamond@roswellgov.com); rippolito@roswellgov.com; jorleans@roswellgov.com
Cc: p.corley@eahhomes.com; leepettit67@gmail.com; beaker10s@gmail.com; tburke260@comcast.net
Attachments:  10-10-12_Summary_HC_with_~1.docx (16 KB)[Open as Web Page]

Nancy, Rich & Jerry,

Several residents of Hamilton Commons met with Paul Corley on Saturday, November 10th.

We have received his newest site plan for 27 homes and 32 zoning conditions along with frontage landscaping plans and discussed in detail both items we liked as well as items we were concerned about.

Please find attached a summary of concerns that are still lingering with his proposal to ask for R-2 zoning on the proposed interior lots of the Etris/Kent Road property so he can build 27 homes rather than 22 homes on the property.

I hope we will be included in further discussions as the City works on a "settlement" to Mr. Corley's lawsuit.

The residents of Hamilton Commons are hopeful that their voted in officials will understand the concerns and work for us as these negotiations continue.

Cheryl Henleben

678.591.8675

henlebennc@aol.com

President, Hamilton Commons/Lakeside HOA www.hamiltoncommons.org

Secretary, Roswell Lions Club www.roswelllions.org

Summary of meeting between Hamilton Commons Homeowners and Paul Corley of EAH Investments –

Saturday, November 10, 2012 9:30 am - 11:00 am

Addresses represented:

12205 Asbury Park Drive – Shannon

12215 Asbury Park Drive – Wyche

12235 Asbury Park Drive – Routt

215 Chatfield Place – Krasnoff

12210 Asbury Park Drive – Gardner

345 Hamilton Park Drive – Frame/Doyle

735 Devon Hill Court – Bent

715 Devon Hill Court – Henleben

Five other homeowners have shown brought forth concerns but were unable to attend the meeting.

The following concerns from Hamilton Commons Homeowners remain:

- 1) Mr. Corley has agreed to show home placement on the site plan for the lots that will be adjacent to the Hamilton Commons lots. The concern is item # 32,

the allotment of a 30 foot natural buffer that will also be part of the home setback – meaning that a home could be placed on the 30 foot buffer line. A 50 foot natural buffer or minimum 30 foot natural buffer and 20 foot setback is requested.

- 2) We request that any buffer requirement must be stated in the HOA docs with harsh penalties if the natural buffer is disturbed. Also the HOA docs should clearly state who is responsible for maintaining the detention ponds, both landscaping and pond operation.
- 3) What will be done about the water pipes that are on lot 7 dumping water from Wexford into the property? What will be done about the drain that comes from lot 7 and goes under Etris Road?
- 4) Hamilton Commons has already been through the 100 year flood anticipated for the area more than once. We would like to see the water study and have it explained to us in language we can understand. The concern is how the detention ponds will operate and where does that water eventually flow as it is released so that the detention ponds do not flood, and the silt pond at the bottom of the hill on Etris Road is not adversely affected. What recourse and who is responsible, if after this subdivision is built, there are flooding issues that can be determined to be a fault of the storm water maintenance plan for the community to any Hamilton Commons Properties? Is there some type of bond that has to be put up on the property for this type of an issue?
- 5) Will water that runs downhill on Kent Road and from the Wexford Pond be diverted into the detention pond between lots 10 and 11, and if yes, then where does it go? Currently, Kent Road/Wexford Pond runoff goes into the creek behind the even numbered properties on Asbury Park Drive and is often too much for that area to handle.
- 6) Re item # 7: We want to see the detention pond between lots 10 and 11 moved so that it is not adjacent to any Hamilton Commons property and have the site plan adjusted to show that it will not border Hamilton Commons.
- 7) Item # 26 addresses open areas, of which there appear to be none on the current site plan, other than the obvious entrance way and detention ponds. Mr. Corley stated in our discussion that there will be a small park of some sort in the community. The current site plan does not show that. If that is his intent we would like to see it placed in the zoning conditions and drawn on the site plan.
- 8) Mr. Corley stated that the process going forward is to reach a settlement agreement with the surrounding communities and that his appeal for a combined R1/R2 zoning would be heard by City Council and decided upon by “Executive Decision” as a condition to withdrawing his lawsuit with the City. Prior e-mail from Nancy Diamond and discussion with Council members Diamond, Orleans and Dippolito from the September Etris Road re-zoning meeting indicated that Mr. Corley would need to go through the full hearing process to re-zone any of the property to R2. We need clarification as to exactly what the process will be going forward. We are opposed to “Executive Decision” and feel that if any other entities wish to show an

objection to the re-zoning they should have the right to do so through the proper re-zoning approval process.

11/30/12

FW: Etris Revisions

Paul Corley [p.corley@eahhomes.com]

This message was sent with Low importance.

You replied on 12/10/2012 2:34 PM.

Sent: Friday, November 30, 2012 11:16 AM

To: henlebennc@aol.com; Nancy Diamond; Rich Dippolito; Jerry Orlans; Lee Pettit (leepettit67@gmail.com); 'Charles Harley (charley@comsquared.com)'; Darren Horvath (darren_horvath@comcast.net); dpg10sga@gmail.com; 'BRUCE DUNKLEY (brucedunkley@msn.com)'; brad.gardner54@gmail.com; 'bernieolszeski@earhtlink.net'; 'tburke260@comcast.net'; 'beaker10s@gmail.com'; 'barbara.hampton@gatrans.com'

Cc: Jackie Deibel

Attachments:  [Etris Road Case RZ 12-05 S~1.pdf \(1 MB\)](#) [[Open as Web Page](#)]

All,

I have now met with representatives of Edenwild, Wexford, Hamilton Commons and Kent Road. We have all worked hard trying to reach a community plan and conditions that work best for all parties. I have worked to try and accommodate as many requests as I could. I certainly can not make every request possible but can tell you with complete confidence this is a community I believe everyone will be happy with once complete.

I have attached

1. Answers to Cheryl's questions
2. Revised Conditions in response to neighborhood meetings and Nancy's comments.
3. Revised Site plan
4. Entrance Plan- please note it does include landscaping also along Etris

I would like to request your support for one variance on the plan. If we were able to reduce side setbacks from 10ft to 7.5ft we would be able to eliminate front entry product. All homes would be either side entry or court yard plans. This will add value to the community and area. Should allow us to sell at a higher price due to premium of having side entry or courtyard plans.

I have requested a meeting with Council in order to get their support for revised plan and conditions. If they are agreeable we will move forward with process.

I am closing on property by year end. Obviously will need to proceed in a timely manner. I am certainly willing to wait to have new plan and conditions changed. If I am not able to get support I will proceed per approved zoning for 22 homes.

Please contact me with any questions or concerns. I feel all parties have come a long way and hopeful we reach a agreement.

Best. PC

Paul E. Corley, Jr.
Chief Executive Officer
Edward Andrews Homes/PEC Development Group
1640 Powers Ferry Road / Building 4 / Suite 300 / Marietta, GA 30067
phone: (770) 541-5256 / fax: (770) 541-5251 / cell: (404) 983-2711
www.edwardandrewshomes.com
www.pecdevelopment.net

Dear Cheryl,

I appreciate the time and effort put forth by the residents of Hamilton Commons. I specifically appreciate all your time and effort working with me on our Etris project. I am hopeful that we can reach

a consensus regarding our community. Per our discussion here are my answers to your questions/concerns.

The following concerns from Hamilton Commons Homeowners remain:

1) Mr. Corley has agreed to show home placement on the site plan for the lots that will be adjacent

to the Hamilton Commons lots. The concern is item # 32, the allotment of a 30 foot natural buffer that will also be part of the home set-back – meaning that a home could be placed on the 30 foot buffer line. A 50 foot natural buffer or minimum 30 foot natural buffer and 20 foot setback is requested.

- I have attached a site plan with typical house footprints.

- I am not able to increase my 30' setback/natural buffer to 50'. This would significantly reduce our future owner's rear yards. I think it is important to remember

a.) Our 30' is not only a setback, but a natural buffer. We cannot disturb this natural buffer which if it were just a setback, we could.

b.) Residents of Hamilton Commons have no setback or natural buffer requirement.

Many of the HC homes and yards are close to our property line.

- I am sensitive to the request and as we discussed can offer a couple of potential solutions.

1.) Tree cover is fairly thick along most of the boundary line within 30' buffer. We are willing to plant where cover is sparse. We also want privacy for our owners.

2.) Request a front setback variance from R-1 40' to 30'. We could then move all homes 10' closer to our interior road. I believe City may be amenable if you requested.

3.) All the lots are a minimum of 49' from rear of house except lot #17 and lot #11. I am willing to work with Mr. Routt and Mr. Shannon on some plantings. I have already had conversations with Mr. Shannon.

2) We request that any buffer requirement must be stated in the HOA docs with harsh penalties if the natural buffer is disturbed. Also the HOA docs should clearly state who is responsible for maintaining the detention ponds, both landscaping and pond operation.

-We are agreeable to your request.

3) What will be done about the water pipes that are on lot 7 dumping water from Wexford into the

property? What will be done about the drain that comes from lot 7 and goes under Etris Road?

-#4 answers the storm drainage question

4) Hamilton Commons has already been through the 100 year flood anticipated for the area more

than once. We would like to see the water study and have it explained to us in language we can understand. The concern is how the detention ponds will operate and where does that water eventually flow as it is released so that the detention ponds do not flood, and the silt pond at the bottom of the hill on Etris Road is not adversely affected. What recourse and who is responsible, if after this subdivision is built, there are flooding issues that can be determined to be a fault of the storm water maintenance plan for the community to any Hamilton Commons Properties? Is there some type of bond that has to be put up on the property for this type of an issue?

-City of Roswell only allows systems for stormwater as outlined in the Georgia Stormwater Manual. The Etris site has two drainage basins. One larger basin that covers the majority of the site and drains to the East and across Etris Road onto the second smaller tract of land. This continues to drain north. The second and smaller basin drains towards Kent Road.

*I sent Cheryl an aerial map of basins.

For both basins our site must treat the impervious area of the site for water quality, then detain for channel protections and storm discharge in the basins. Flow is channeled into the two detention ponds.

NOTE – We are required to outlet our flow from the ponds at a rate LESS than pre-developed rates (existing rates). In order to achieve this we have proposed a series of ponds on the site with bio-swales.

The basin along Kent Road will discharge into a bio-swale that flows into the detention pond where the water will be detained and released at intervals back into ditch along Kent Road.

Bioswales

are basically landscaped or stabilized swales designed to remove silt and pollution from the water.

The second basin on the east side will also discharge into a bio-swale to treat water quality and flow down into the new detention pond. The volume will be stored and released at intervals through a pipe under Etris Road. The water will then enter a water quality swale and into existing system.

All Stormwater design will meet not only Best Management Practices but will be required to meet the Georgia Stormwater Manual and City of Roswell design guidelines.

5) Will water that runs downhill on Kent Road and from the Wexford Pond be diverted into the detention pond between lots 10 and 11, and if yes, then where does it go? Currently, Kent Road/Wexford Pond runoff goes into the creek behind the even numbered properties on Asbury Park Drive and is often too much for that area to handle.

-Yes water will be diverted into the detention pond between lots 10 and 11. It will continue to go into the creek behind even numbered properties on Asbury Park Drive. We are required to treat water and release from ponds at a rate lower than current pre-development rate.

6) Re item # 7: We want to see the detention pond between lots 10 and 11 moved so that it is not adjacent to any Hamilton Commons property and have the site plan adjusted to show that it will not border Hamilton Commons.

-The pond needs to be at lowest point of basin as it is currently shown. We will landscape and fence all ponds.

-Adjacent neighbor is Mr. Stuart Shannon. I discussed this with Mr. Shannon. He would prefer pond versus another home. I will also work with Mr. Shannon on screening. Mr. Shannon's driveway is right up against our property line. He had concern about his driveway. I have told him I will work with him to ensure he has sufficient room.

7) Item # 26 addresses open areas, of which there appear to be none on the current site plan, other than the obvious entrance way and detention ponds. Mr. Corley stated in our discussion that there will be a small park of some sort in the community. The current site plan does not show that. If that is his intent we would like to see it placed in the zoning conditions and drawn on the site plan.

-I have added a pocket park. I have sent you this plan.

8) Mr. Corley stated that the process going forward is to reach a settlement agreement with the surrounding communities and that his appeal for a combined R1/R2 zoning would be heard by City Council and decided upon by "Executive Decision" as a condition to withdrawing his lawsuit

with the City. Prior e-mail from Nancy Diamond and discussion with Council members Diamond, Orleans and Dippolito from the September Etris Road re-zoning meeting indicated that Mr. Corley would need to go through the full hearing process to re-zone any of the property to R2. We need clarification as to exactly what the process will be going forward. We are opposed to "Executive Decision" and feel that if any other entities wish to show an objection to the rezoning they should have the right to do so through the proper re-zoning approval process.

-There is some confusion on this topic. My understanding was once a settlement was reached the project had to be advertised and go before Council in a Public Meeting. I never thought it would be handled by Executive Session or without a Public Meeting. I did not or do not believe we would have to go back before Staff or Planning Committee. I believe meeting has to be advertised and go before City Council in a Public Forum.

I defer to City Attorney for specifics.

I hope I have answered your questions. I look forward to working with you on a resolution.

Please

contact me with any questions.

Sincerely,

Paul Corley

Etris Road Case #RZ 12-05

Settlement - REVISED

Whereas: EAH Investments, LLC and Residents wish to amend zoning site plan and conditions

for Case #RZ 12-05. These conditions would replace those approved by Mayor and Council on

August 13, 2012. In return for acceptance of new conditions by Mayor and Council, EAH Investments, LLC would drop current lawsuit filed against City of Roswell.

1. The owner/developer shall develop the property in accordance with revised site plan hereby attached.

2. Project would include a maximum of 27 homes/lots.

3. Minimum of 50% of homes will have a side entry garage.

4. Minimum of 50% of homes will have a basement.

5. Minimum allowable square footage of homes will be 2600 square feet versus zoning requirement of 1500 sf.

6. Prior to commencement of land disturbance, EAH Investments, LLC will provide proof

that sewer taps have been obtained.

7. EAH Investments, LLC will provide screening around all detention ponds.

8. All ponds will be professionally landscaped.

9. All homes will be a mix of brick, stone and hardiplank siding.

10. There shall be no exposed concrete on sides of homes. All water tables shall be brick or stone.

11. All homes shall have a minimum of 9 foot ceilings on main living areas.

12. All kitchen countertops shall be granite or equivalent hard surface.
13. All kitchen appliances shall be stainless steel.
14. Architectural shingles shall be required.
15. All mailboxes shall be decorative and of like kind.
16. All homes shall include a 2-10 home warranty.
17. Entrance and frontage landscaping to be consistent with plan designed by B+C Studio which is hereby attached.
18. The owner/developer shall remove the cul-de-sac at end of Public Street A in order to have access from Kent Road. Developer to install break away gate.
19. Kent Road to remain gravel. EAH to install break away gate on Kent Road for emergency purposes only.
20. The owner/developer shall install 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 the sidewalk.
21. 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.
22. 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.
23. 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'x4' sign identifying the end of the street as future connectivity.
24. A preliminary plat shall be completed and approved before submittal for the Land Development Permit.
25. 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.
26. The open space within the subdivision shall be listed in the Home Owner's Association covenants related to the maintenance of the area.
27. The Home Owner's Association documents must be recorded in conjunction with the final plat and prior to the issuance of the first single family home building permit.
28. A steep slope analysis shall be submitted and approved by the City Engineer prior to the submittal for the preliminary plat.
29. The owner/developer shall make appropriate lot adjustments to sufficiently comply with stormwater management requirements best management practices in a manner approved by the Public Works/Environmental Department prior to the submittal of the preliminary plat.
30. The owner/developer shall provide a landscaping and fencing plan along the western side of Etris Road behind lots 1-9, 31-34 and pond #2. The landscaping and fencing plan

shall be approved by the Roswell Design Review Board.

31. There shall be a 20' landscape easement along western side of Etris Road to be controlled by the Home Owner's Association.

32. There shall be a thirty (30) foot buffer along the northern property line of the western parcel.

33. EAH Investments will provide plantings abutting Hamilton Commons where existing tree

coverage does not exist.

34. EAH Investments will include provision in HOA Documents outlining that 30' buffer abutting Hamilton Commons is a natural buffer and not to be disturbed. HOA

Documents will include provision that calls for a \$2500 penalty if buffer is substantially disturbed.

35. Landscaping plan will also pertain to Kent Road.

12/5/12

RE: Etris Revisions - Concerns still present

Charles Harley [charley@comsquared.com]

Sent: Wednesday, December 05, 2012 10:48 AM

To: Nancy Diamond

Cc: Rich Dippolito; Jerry Orlans

Nancy;

Thanks for all of your intervention in this process. Just so you know, I am pleased with the effort the council has made to try to please all concerned and to control the development and land use in a manner that is fair to the land owner, developer and surrounding community. I believe we are at the best possible place for the use of this land. It will be developed at some time by someone.....I vote we move ahead with what Mr. Corley has presented. I would prefer million dollar homes next door, but the economy and the neighborhood dictate otherwise.

Thanks again for all your interest in finalizing this project.

Chuck Harley
12185 Etris road

-----Original Message-----

From: Nancy Diamond [mailto:ndiamond@roswellgov.com]

Sent: Wednesday, December 05, 2012 10:29 AM

To: akap01@aol.com; Brad Gardner; Cheryl Henleben

Cc: Rich Dippolito; Jerry Orlans; leepettit67@gmail.com;

charley@comsquared.com; darren_horvath@comcast.net; dpg10sga@gmail.com;

brucedunkley@msn.com; bernieolszeski@earthlink.net; tburke260@comcast.net;

beaker10s@gmail.com; barbara.hampton@gatrans.com;

isabelle.donckgibson@gmail.com; mickblair@bellsouth.net; Krasnoff Steve

Cell; gregrouth@berryplastics.com; Steve.Wyche@dot.state.ga.us;

SWWYCHE@bellsouth.net; p.pernice@comcast.net; shannon41@comcast.net;

bamacade@aol.com; brianfitzpatrick@gmail.com; jjhud@comcast.net;

pasky5@bellsouth.net; eric.ferris@yahoo.com; jtwister1@bellsouth.net;

jtwist@batteriesplus.com; Stuart Moring; Danelle Alloway; Mark Wolff; Brad

Townsend; Alice Wakefield

Subject: RE: Etris Revisions - Concerns still present

Hi All,

Since the email chain has grown a bit, I think it might be helpful to make sure everyone has some of the previous information, and an understanding about who oversees and determines which parts of any development. While stormwater and runoff are certainly valid concerns, they are not items in which the developer has final approval. The city reviews the developer's plans and determines if they will meet the strict criteria that we require per local, state and federal regulation and best practices. I've included some information below from Danelle Alloway, our water resources engineer. We all wish this community had been in the city when other parts were developed, but now that it is in Roswell, any new projects are subject to a different level of scrutiny. Danelle is very thorough, and I can tell you that there are plenty of developers who would say the same, sometimes through respectfully gritted teeth!

So, when we talk about a compromise on this zoning, please know that the process is the same for water management, whatever the site plan.

Thanks,
Nancy

Sediment Transport: Erosion and sediment control plans (E/S plans) prepared by a trained person are required for developments of 5,000 square feet or greater. The City of Roswell is also committed to inspecting construction sites for compliance with the plans and confirmation that the E/S plan and Best management Plan components (BMP) implementation are effective throughout the life of the land disturbance project. I want to assure you that the City of Roswell is committed to permitting Erosion and Sediment Control plans which are effective at preventing mobilization of sediment to the degree practical and effective at preventing mobilized sediment from leaving the permitted site, through the use of structural and nonstructural BMP's.

Sediment, leaves and branches in lake: Lakes, by their nature, fill up with sediment as a natural part of the system. Leaves, branches and sediment are often carried by water flow in a creek and when these items reach the relatively quiescent lake, the items drop out of the water. While you should not expect, as a result of upstream construction, to receive additional sediment from a site (because of the BMP's installed), you should expect that sediment, leaves and branches will continue to be transported to the lake as part of the natural system.

Stormwater: Another important consideration that was brought up is the water itself. I cannot speak to the plan for a development at Etris Road since I have seen only concept drawings, but in principal an approximation of the water flowing from the property to the downstream adjacent areas can be made and these peak flows for design storms are the design target for an eventual stormwater plan. In simple terms, there is a certain amount of water coming from the site and the property can still discharge this peak flow upon development. I would like to assure you that working with developers and their engineers to achieve sustainable stormwater plans is one of my highest priorities in my position as water resources engineer. Any development in this location will receive the same attention from me to achieve a sustainable stormwater plan which follows the City and Metro District stormwater requirements.

The City of Roswell has heard from several neighbors who want to make sure that the City is alerted to existing drainage problems in the vicinity of Etris Road, and again, I really do appreciate your diligence here. Please feel free to call me if you would like to discuss the details of the stormwater requirements for any development or if you have additional questions regarding this information. My direct line is 770-594-6258 and my cell number is 678-371-5508.

Best regards,
Danelle Alloway

M. Danelle Alloway, P.E., C.F.M.
Water Resources Engineer

Public Works/Environmental Department
City of Roswell
38 Hill St, Suite 235
Roswell, GA 30075
770.641.3707

Nancy Diamond
Roswell City Council
38 Hill Street
Roswell, GA 30075
office: 770-594-6454
home: 678-795-0431

From: Andrea Krasnoff [akap01@aol.com]
Sent: Monday, December 03, 2012 3:13 PM
To: Brad Gardner; Cheryl Henleben
Cc: Nancy Diamond; Rich Dippolito; Jerry Orlans; leepettit67@gmail.com; charley@comsquared.com; darren_horvath@comcast.net; dpq10sga@gmail.com; brucedunkley@msn.com; bernieolszeski@earthlink.net; tburke260@comcast.net; beaker10s@gmail.com; barbara.hampton@gatrans.com; isabelle.donckgibson@gmail.com; mickblair@bellsouth.net; Krasnoff Steve Cell; gregrouth@berryplastics.com; Steve.Wyche@dot.state.ga.us; SWWYCHE@bellsouth.net; p.pernice@comcast.net; shannon41@comcast.net; bamacade@aol.com; brianfitzpatrick@gmail.com; jjhud@comcast.net; pasky5@bellsouth.net; eric.ferris@yahoo.com; jtwister1@bellsouth.net; jtwist@batteriesplus.com
Subject: Re: Etris Revisions - Concerns still present

Cheryl and All,

If Brad's concern can affect the pond behind his house, it seems everyone on that side of Asbury should also be informed of HC current concerns and current position by Paul Corley.

I echo Brad's comments...a sincere thanks for championing this. I know it takes a lot of the Board's time and especially your time!

Andrea Krasnoff
404-822-9581 (cell)

Sent via BlackBerry from T-Mobile

From: Brad Gardner <brad.gardner54@gmail.com>

Date: Mon, 3 Dec 2012 14:52:20 -0500
To: Cheryl Henleben<henlebennc@aol.com>
Cc: <ndiamond@roswellgov.com>; <rdippolito@roswellgov.com>;
<jorlans@roswellgov.com>; <leepettit67@gmail.com>; <charley@comsquared.com>;
<darren_horvath@comcast.net>; <dpg10sga@gmail.com>; <brucedunkley@msn.com>;
<bernieolszeski@earthlink.net>; <tburke260@comcast.net>;
<beaker10s@gmail.com>; <barbara.hampton@gatrans.com>;
<isabelle.donckgibson@gmail.com>; <mickblair@bellsouth.net>;
<akap01@aol.com>; <steven.krasnoff@yahoo.com>;
<gregrouth@berryplastics.com>; <Steve.Wyche@dot.state.ga.us>;
<SWWYCHE@bellsouth.net>; <p.pernice@comcast.net>; <shannon41@comcast.net>;
<bamacade@aol.com>; <brianfitzpatrick@gmail.com>; <jj hud@comcast.net>;
<pasky5@bellsouth.net>; <eric.ferris@yahoo.com>; <jtwister1@bellsouth.net>;
<jtwist@batteriesplus.com>
Subject: Re: Etris Revisions - Concerns still present

Cheryl and All,
Can we get an engineering analysis from the City or someone regarding the storm water plan as designed prior to agreeing to anything? Specifically overflow from the two ponds that will be "released at intervals" back into the ditch along Kent Rd and subsequently into the the creek and pond behind my house on Asbury Park Drive. The ponds as currently shown on the plans appear to be quite small relative to the amount of impervious surface land that will be created in the development, so what does "released at intervals" really mean? Since all water from the impervious surfaces will be directed to the two ponds as planned, how much "new" water be be directed into this creek that already overflows regularly?
Also, we were told the city would not approve piping under Etris Rd and if I understand the attached water flow plan correctly, overflow from one of the ponds will be piped under the road into a lake/pond on the east side of Etris and then flow north. Has the City changed their opinion on this? If so, why?

Again, thanks for everything you have done in dealing with this!! I know it seems this is continuing to drag on, but until our questions get answered with facts, we should not support Mr Corley's plan.

Brad

12/5/12

Re: Etris Revisions - Concerns still present
p.pernice@comcast.net [p.pernice@comcast.net]

Sent: Wednesday, December 05, 2012 11:40 AM

To: [Nancy Diamond](#)

Nancy,

Thank you for getting back to me so quickly. According to the latest builder diagram, lot 17 will be directly behind my house and 12225 Asbury Pk Dr. so anything you can do to increase the distance from the back of the new home to the edge of the buffer line would be helpful even if it's only an additional 10 feet.

So thank you for that - yes please add it to "the list".

Peter Pernice

From: "Nancy Diamond" <ndiamond@roswellgov.com>
To: "p pernice" <p.pernice@comcast.net>
Sent: Wednesday, December 5, 2012 10:02:06 AM
Subject: RE: Etris Revisions - Concerns still present

Hi Peter,

The short answer is, yes, that is what is approved. Just talked this through with Brad Townsend, and here's what we are thinking. What if we offer the builder a 25' setback from the front of the lots that face the cul-de-sacs, and bring in the new 10' gain to the rear setback? That would give us almost 20', to the rear buffer. If this is something that works for you, I can add it to the list.

If you would like to talk more in person, just give me a call.

Thanks,
Nancy

Nancy Diamond
Roswell City Council
38 Hill Street
Roswell, GA 30075
office: 770-594-6454
home: 678-795-0431

From: p.pernice@comcast.net [p.pernice@comcast.net]
Sent: Tuesday, December 04, 2012 9:55 AM
To: Nancy Diamond
Subject: Fwd: Etris Revisions - Concerns still present

Nancy,

Thank you so much for your continued involvement in this issue. I'd like to bring to your attention that in the new development schema there is now a house (full disclosure - directly behind mine) that backs up to 8.9 feet from the proposed buffer. That's by far the shortest distance of any proposed new house. Is that allowed in Roswell's building code? Is it legal to build so close to the property line like that? See attached.

Peter Pernice

12/21/12

Etris conditions summary

[Nancy Diamond](#)

Sent: Friday, December 21, 2012 4:55 PM
To: beaker10s@gmail.com; leepettit67@gmail.com; p.corley@eahhomes.com; barbara.hampton@gatrans.com; henlebennc@aol.com
Cc: [Lisa Hines](#); [Brad Townsend](#); [Alice Wakefield](#); [Jerry Orlans](#); [Rich Dippolito](#); [Jackie Deibel](#); [Bob Hulsey](#); [David Davidson](#)
Bcc: ndiamondroswell@gmail.com
Attachments:  [Etris Road HOA.docx \(15 KB\)](#)[\[Open as Web Page\]](#);  [Etris Road Rezoning Case ~1.docx \(18 KB\)](#)[\[Open as Web Page\]](#)

Hi All,

Please do not read anything into this email coming at this hour before a holiday weekend. It is purely a function of working through things as quickly as we could.

Attached, please find the summaries of what we have captured as concerns expressed over the last few weeks. Some things were adjusted because they were already city conditions for land disturbance permitting, or other phases of construction. There are two items we added for your consideration. One is to move the setback requirement at the front of each lot up 10'. This should increase the backyards enough to give some more wiggle room before the undisturbed buffer comes into play. Additionally, we have recommended a 6' wood fence be constructed along the property line that abuts Hamilton Commons. Because there are often challenges to adding a lot of plants to natural buffer areas, and long term health of them can be an issue, the fence should provide a consistent screen, and with the topography, make the backyards less impactful of each other.

You will notice there are two documents. One includes conditions that would be enforced by the city, and the other lists items that would be included in the HOA documents to be filed with the county. They are not items that the city can enforce by law, but would be written commitments by the developer.

Our legal advice is that because the case prior resulted in an approved re-zoning, and not in a denial, this would need to follow our zoning process with public meetings, Planning Commission and Council vote.

In similar cases in the past, surrounding HOA leadership has signed letters for the rezoning discussions and votes. It is not necessarily an endorsement of the project, but a request of the city that if the rezoning is to take place, that it include the listed conditions.

Please let me know what you think, and pass this along where you think it helpful. I am in town throughout the holidays, and will be happy to answer any questions.

Hope you have a wonderful holiday week!

Nancy

Nancy Diamond
Roswell City Council

HOA Documents

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.

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.

Proposed Conditions

1. The owner/developer shall develop the property in substantial compliance with and in accordance with the revised site plan dated XXXX, 2012 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 XXXXX, 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 21 and 22.
22. There shall be a 35-foot buffer between the subject property and Edenwilde Subdivision.
23. EAH Investments will provide a six-foot high fence abutting Hamilton Commons.
24. The landscaping plan 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 20 feet and R-1 zoned properties shall be 40 feet.

27. Three-year Maintenance Bond held by the City of Roswell.

12/31/12

RE: Etris conditions summary

Paul Corley [p.corley@eahhomes.com]

Sent: Monday, December 31, 2012 9:11 AM

To: Cheryl Henleben [henlebennc@aol.com]; Nancy Diamond

Cc: leepettit67@gmail.com

All,

Thank you for update. I understand complications of the holidays.

We did in fact close on 28th. We have also secured our sewer taps for the project.

As discussed my goal is to reach agreement with all parties beginning of January.

I understand once everyone is in agreement zoning will have to go back before City Council in a public forum. I am ok with allowing for that additional time to go back to Council for approval of new site plan and conditions. I do have a contractual obligation with my investor to have project moving ahead.

Here is how I see the status and options.

1. We agree to new site plan and conditions put forth. These were restated to include
2. additional stipulations for HC in email dated 11-30-2012.

We discussed adding two other conditions

- EAH would have our Civil Engineer include a drainage basin analysis and hydrology study for Hamilton Commons. Sole purpose of this is to provide HC with an evaluation of their existing storm water conditions and facilities. EAH would include this study in our hydrology study at our cost. EAH would have no obligation other than providing this analysis.
 - We discussed reducing front yard setbacks in order to pull homes closer to street. R-1 requires a 50ft front setback and R-2 requires a 40ft setback. We suggest having all front setbacks set at 30ft. 30 ft is pretty standard in Metro Atlanta. This would create more space against HC and also provide our owners deeper backyards against HC, Etris Road and Kent Road.
2. We cannot reach an agreement and I proceed with different plan

I believe all parties agree that the new plan and conditions is best for all parties.

If I have missed anything that was discussed please let me know. I do need to hear back from Cheryl by end of this week. I have really worked hard to get to this point but need to be proactive now that we own property.

Please advise. PC

Paul E. Corley, Jr.

1/2/13

Re: Etris conditions summary

Cheryl Henleben [henlebennc@aol.com]

You forwarded this message on 1/6/2013 7:36 PM.

Sent: Wednesday, January 02, 2013 4:29 PM

To: Nancy Diamond; beaker10s@gmail.com; leepettit67@gmail.com; p.corley@eahhomes.com; barbara.hampton@gatrans.com

Cc: Lisa Hines; Brad Townsend; Alice Wakefield; Jerry Orlans; Rich Dippolito; Jackie Deibel; Bob Hulsey; David Davidson

Nancy, Paul & Others,

I hope everyone had the opportunity to enjoy the blessed Holiday Season. I think we are all anxiously awaiting the sun to shine yet in 2013!

There are 3 items that the HCHOA would like to see clarified.

In reference to the fence that will be put up along the border of HC we would like to see the maintenance of that fence added to the new subdivision HOA responsibilities.

We would like **ALL** involved to understand that ***there are no separate water issues that we are concerned with.***

Silt Pond – Primary water basin for 1500 acres of water that eventually flows into Chaffin Lake – The following position has been declared by the HCHOA Board:

To provide the City with acknowledgement of EAH Investments in their request to partially re-zone the property in question per the City of Roswell's **Etris Road Rezoning Case #RZ 12-05, Final Settlement Conditions. Final Settlement Conditions will need to include** a Hydrology Study as it relates to the silt dam and

drainage from Hamilton Commons as Paul Corley has offered to provide to both Hamilton Commons and the City of Roswell.

Water Course Retaining Structures (3) - in the creek that Detention Facility #1 will be draining into:

These crude structures were originally built to damn up the creek for fishing by a hunting lodge that used to sit on part of what is now Hamilton Commons. The structures now sit on private property. I am still trying to interpret Danielle's response to my earlier questions regarding the extent of the Hydrology Study required by the developer in the building & design of the detention ponds. The HCHOA would like the City of Roswell to acknowledge that the

structural status of the three watercourse retaining walls ***is unknown and agree that they were never permitted by an authorized governing authority.*** With the addition of new construction and additional water burden, the City is to absolve Hamilton Commons HOA from maintenance responsibility of these structures and authorizes amendment to the Covenants of the HOA.

Cheryl Henleben
678.591.8675

1/2/13

RE: Etris conditions summary

Paul Corley [p.corley@eahhomes.com]

Sent: Wednesday, January 02, 2013 6:22 PM

To: Cheryl Henleben [henlebennc@aol.com]; Nancy Diamond; beaker10s@gmail.com; leepettit67@gmail.com; barbara.hampton@gatrans.com; 'Kwrhino@gmail.com'

Cc: Lisa Hines; Brad Townsend; Alice Wakefield; Jerry Orlans; Rich Dippolito; Jackie Deibel; Bob Hulsey; David Davidson

All,

I appreciate everyone working on this. I am going to address Cheryl's email and then respond to Nancy's in hopes of clarifying any questions.

1. I would be agreeable to installing a fence instead of planting vegetation where it was sparse. I would suggest the fence be 5ft instead of 6ft high. A 6ft fence tends to look like wall or a fortress. There is not much cost difference so will agree to 6ft but really think 5ft would be more attractive to both sides. Fence would be placed on property line but on our side. We would put in HOA docs that homeowners would be responsible for maintenance of fence along their respective property lines.
2. A. We are in agreement that we will provide a Hydrology study as it relates to Hamilton Commons. EAH will be limited to only providing the study.
B. We have no place in these discussions. We will be limited to providing study.

Nancy's email

I am in general agreement with Nancy's email with some clarification and exceptions. I do appreciate Nancy's effort over the Holidays.

1. As stated above will agree to fence
2. I am in agreement to shift minimum front setbacks up (closer to street). Believe Major setbacks were used instead of Minor which I addressed below in Zoning Condition section.
3. I would like to discuss not having to go through whole process again.

Certainly realize there needs to be a public advertisement and public meeting. My concern is having to go through entire process would take 4-6 months and my investor partner may not be agreeable. Would like my attorney to discuss with City attorney if we could advertise and go straight to City Council.

Final Zoning Settlement Conditions

#3- believe ok but need to confirm maximum lot coverage does in fact work with new plan

#11- 3 lots are across Etris abutting Edenwild

#19- may be just miscommunication but intent is for a fence ONLY abutting Hamilton Commons.

We do not want to put a fence up along Etris. We have a very nice designed landscape plan we previously submitted.

#23- would ask fence be 5ft high versus 6ft

#26- I am assuming all front setbacks would be minor setbacks. Minor R-2 setbacks are 35ft and R-1 are 40ft. the ten foot reduction would result in R-2 front setbacks of 25ft and R-1 of 30ft. we would be agreeable to 25ft and 30ft

HOA Document Requirements

- We are in agreement with these requirements

Best. PC

Paul E. Corley, Jr.
Chief Executive Officer

2/2/13

Re: Rezoning Conditions #23 & #28 - Clarification needed

Paul Corley [p.corley@eahhomes.com]

Sent: Saturday, February 02, 2013 4:42 PM

To: Cheryl Henleben [henlebennc@aol.com]; Nancy Diamond

Cc: p.pernice@comcast.net; tague7@gmail.com; shannon41@comcast.net; SWWYCHE@bellsouth.net; Steve.Wyche@dot.state.ga.us; lauraneellogan@yahoo.com; susanneel33@yahoo.com; hardinglis@gmail.com; steven.krasnoff@yahoo.com; lauraroutt@yahoo.com; akap01@aol.com; gregrouth@visioneeringpackaging.com; Lee.Pettit@weather.com; sbarrav@aol.com; Brad Townsend; Jackie Deibel

Cheryl,

Will relook at wording but the intent was to give residents the choice. Here is how I will change Hamilton Commons- Will clearly specify that a living fence per agreed language is what to be installed. Edenwild- I can not wait any further for residents to make a decision. I will write condition that

gives residents 60 days to choose either a wood fence or same living fence we are to install at Hamilton Commons.

Thanks PC

From: Cheryl Henleben

Sent: Saturday, February 02, 2013 12:59:14 PM

To: Paul Corley; ndiamond@roswellgov.com

Cc: p.pernice@comcast.net; tague7@gmail.com; shannon41@comcast.net;

SWWYCHE@bellsouth.net; Steve.Wyche@dot.state.ga.us; lauraneellogan@yahoo.com;

susanneel33@yahoo.com; hardinglis@gmail.com; steven.krasnoff@yahoo.com;

lauraroutt@yahoo.com; akap01@aol.com; gregroutt@visioneeringpackaging.com;

Lee.Pettit@weather.com; sbarrav@aol.com; btownsend@roswellgov.com; jdeibel@roswellgov.com

Subject: Rezoning Conditions #23 & #28 - Clarification needed

Paul & Nancy,

After further reviewing the most recent set of "Re-Zoning Conditions" the residents of Hamilton Commons have concerns with items #23 and #28. The residents of Hamilton Commons have clearly stated that they want the "living fence" with the trees specified, not the wooden fence. #23 states "EITHER" a wooden fence or living fence for Hamilton Commons and Edenwilde bordering properties. Please clarify that Hamilton Commons wants the living fence only – not a wooden fence of any size.

Item #28 states that both a 5 foot and a 6 foot fence will be at the rear of adjacent homes in Edenwilde. I'm not sure why both are needed, but since you have specified the wood fence for Edenwilde, please change the wording to specify the living fence for Hamilton Commons.

Thank you.

Cheryl Henleben

678.591.8675

henlebennc@aol.com

President, Hamilton Commons/Lakeside HOA www.hamiltoncommons.org

Secretary, Roswell Lions Club www.roswelllions.org

-----Original Message-----

From: Paul Corley <p.corley@eahhomes.com>

Sent: Wed, Jan 30, 2013 4:55 pm

Subject: RE: Landscape Request for 30' Buffer - Etris/Kent Rd Property - Clarification

Please see attached.

I have modified the conditions and included language that Cheryl requested for landscaping. I believe I've captured everything and would like to move forward.

Thanks,
PC

Paul E. Corley, Jr.
Chief Executive Officer

2/4/13

FW: Landscape Request for 30' Buffer - Etris/Kent Rd Property - Clarification
[Nancy Diamond](#)

Sent: Monday, February 04, 2013 5:13 PM

To: [David Davidson](#); [Bob Hulsey](#)

Attachments:  [Etris Road Rezoning Case --1.pdf \(87 KB\)](#) [[Open as Web Page](#)]

Coming to a mailbox near you.

Nancy Diamond
Roswell City Council
38 Hill Street
Roswell, GA 30075
office: 770-594-6454
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From: Paul Corley [p.corley@eahhomes.com]

Sent: Monday, February 04, 2013 5:06 PM

To: Cheryl Henleben; Nancy Diamond

Cc: p.pernice@comcast.net; tague7@gmail.com; shannon41@comcast.net;

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sbarrav@aol.com; Brad Townsend; Jackie Deibel; Paul Corley

Subject: RE: Landscape Request for 30' Buffer - Etris/Kent Rd Property - Clarification

Cheryl,

I have changed language to reflect that a living fence will be provided for residents of both Hamilton Commons and Edenwild for areas where new homes will abut existing homes. Edenwild has also chosen the living fence. I will submit final package to City of Roswell tomorrow. it will exactly same one I sent out before with these recent changes to final stipulations. Thanks PC

Paul E. Corley, Jr.
Chief Executive Officer
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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.

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.

RE: Landscape Request for 30' Buffer - Etris/Kent Rd Property - Clarification
Brad Townsend

Sent: Tuesday, February 05, 2013 1:19 PM
To: [Nancy Diamond](#); [David Davidson](#); [Bob Hulsey](#)
Cc: [Alice Wakefield](#); [Jackie Deibel](#); [Sylvia Campbell](#)
Attachments:  [Rezoning Settlement Agreement~1.pdf \(9 KB\)](#)[[Open as Web Page](#)]

Nancy,

Attached is the timeline for processing of the Etris Rezoning Settlement, if it is initiated by M&CC on February 11th. The item should be under City Attorney's Reports and handled by David.

Bradford D. Townsend, AICP

Planning & Zoning Director
770-594-6176
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SETTLEMENT AGREEMENT FOR RZ12-05 ETRIS RD. - TRACKING CALENDAR

Initiated: MCC	Signs posted & 1st Ad in paper	2nd Ad	3rd Ad	PC packets to be send out	Planning Commission Mtg.	MCC Packets to City Clerk	Mayor & Council Mtg.
2/11/2013	3/6/2013	3/13/2013	3/20/2013	3/12/2013	3/19/2013	4/2/2013	4/8/2013