

APPLICANT: Kenneth Wood
678-684-6206

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016
Sams, Larkin & Huff

TITLEHOLDER: John Larimer and Kathleen Larimer

PROPERTY LOCATION: Northwesterly side of Fontaine Road,
northeast of Montpelier Drive
(446 Fontaine Road).

ACCESS TO PROPERTY: Fontaine Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Maple Valley Estates
- SOUTH:** R-20, R-80/ Single-family houses
- EAST:** R-20/ Single-family houses
- WEST:** R-20/ Maple Valley Estates

OPPOSITION: NO. OPPOSED **PETITION NO:** **SPOKESMAN**

PLANNING COMMISSION RECOMMENDATION

APPROVED **MOTION BY**
REJECTED **SECONDED**
HELD **CARRIED**

BOARD OF COMMISSIONERS DECISION

APPROVED **MOTION BY**
REJECTED **SECONDED**
HELD **CARRIED**

STIPULATIONS:

PETITION NO: Z-51

HEARING DATE (PC): 09-09-13

HEARING DATE (BOC): 09-17-13

PRESENT ZONING: R-15
With Stipulations

PROPOSED ZONING: R-15

PROPOSED USE: Horse Farm and House

SIZE OF TRACT: 13.65 acres

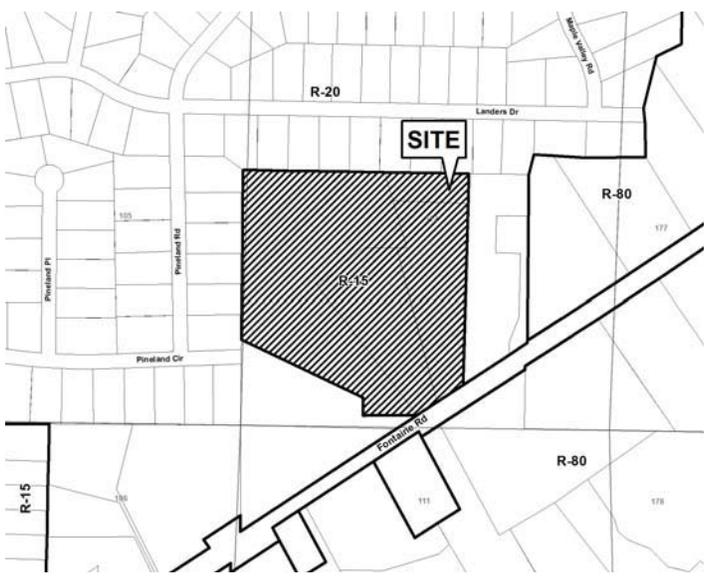
DISTRICT: 17

LAND LOT(S): 112

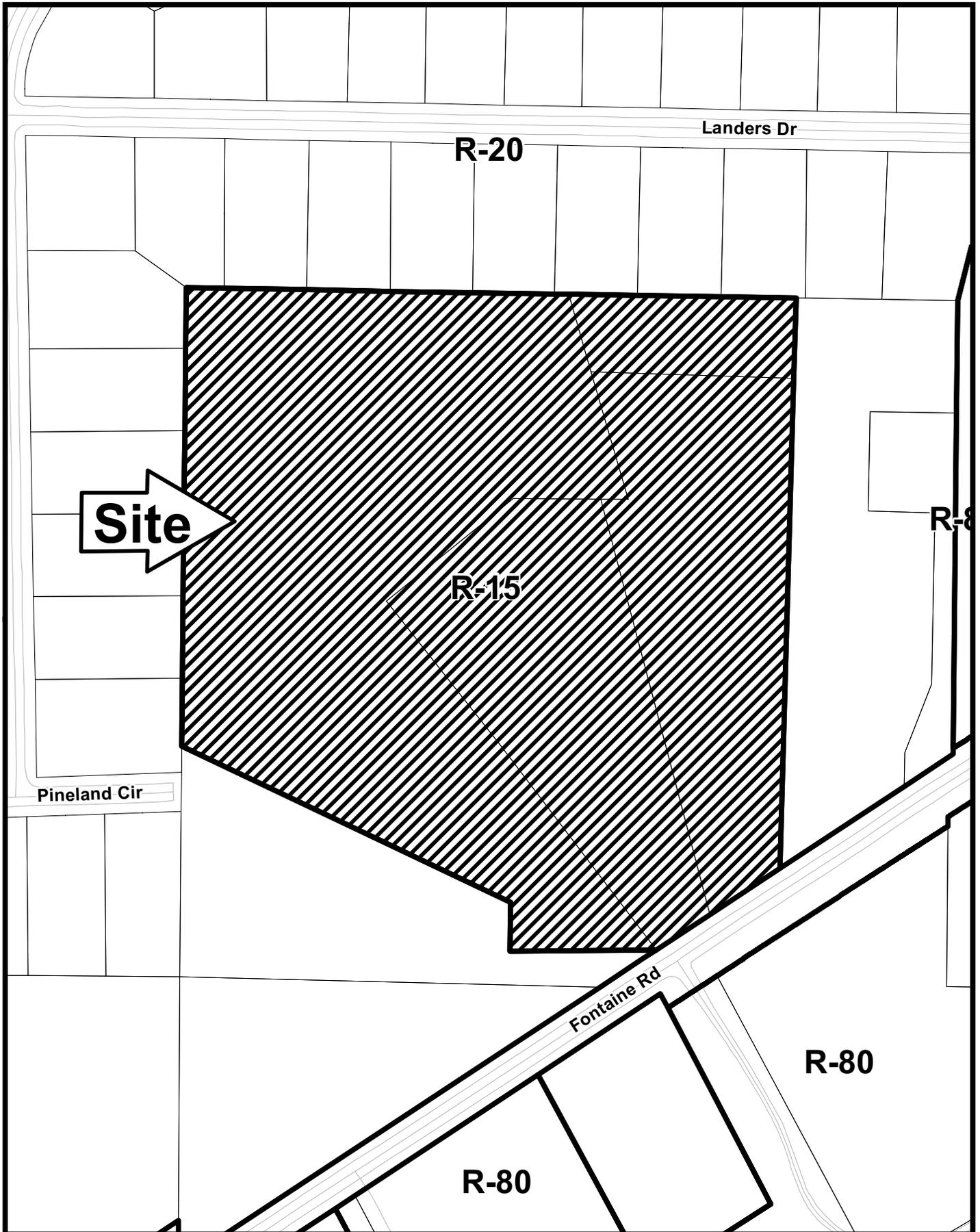
PARCEL(S): 2, 3, 53, 75

TAXES: PAID X **DUE**

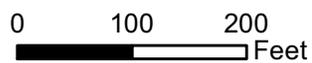
COMMISSION DISTRICT: 4



Z-51



This map is provided for display and planning purposes only. It is not meant to be a legal description.



- City Boundary
- Zoning Boundary

APPLICANT: Kenneth Wood

PETITION NO.: Z-51

PRESENT ZONING: R-15 ws

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Low Density Residential

Proposed Number of Units: 1 **Overall Density:** 0.073 **Units/Acre**

Present Zoning Would Allow: 25 **Units** **Decrease of:** 24 **Units/Lots**

The applicant is requesting a rezoning of the subject property in order to construct a residence of approximately 3,000 sq. ft. with a detached garage and two (2) horse stables. The rezoning is necessary as the property was previously rezoned from R-20 to R-15 with stipulations by case Z-103 of 2006 and this case specified a site plan depicting 25 lots. The request would require approval of two (2) variances relating to the proposed "Car Port Garage" and "Horse Stable" located to the side and in front of the residence on the submitted site plan.

Cemetery Preservation: No comment.

APPLICANT: Kenneth Wood

PETITION NO.: Z-51

PRESENT ZONING: R-15 ws

PETITION FOR: R-15

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u> </u>	<u> </u>	<u> </u>
<u>Middle</u>	<u> </u>	<u> </u>	<u> </u>
<u>High</u>	<u> </u>	<u> </u>	<u> </u>

- School attendance zones are subject to revision at any time.

Additional Comments:

FIRE COMMENTS:

- Fire Apparatus access shall meet the following:**
 - Driveway must have a minimum 12 feet driving surface width (CCDS 402.07.01) with minimum 25 feet inside turning radius.
 - Driveway must have a minimum 12 feet driving surface width (CCDS 402.07.01) with minimum 25 feet inside turning radius.
 - Fully developed landscaping shall be at least 7 feet 0 inches from center of drive (14 feet clear width) and 13 feet 6 inches vertical clearance.
 - Maximum grade shall not exceed 18% angle of departure shall not exceed 8.5%.
 - Driveway must extend within 150 feet of the most remote portion of the structure.
 - Driveway is limited to 1000 feet maximum from roadway unless an approved turn-around is provided
 - a) Residential cul-de-sac without an island shall have a 38-foot outside radius. A cul-de-sac with an island reverts to the commercial standards, refer to www.cobbfire.org for dimensions.
 - b) Hammerhead turn-around: total of 102 feet needed (45 feet + 12 feet drive + 45 feet) with the turn-around leg to be a minimum of 20 feet. wide.
 - Driveway must support 25 Tons (50,000 lbs.)
 - Provide emergency access through all gates securing Fire Department access with a minimum 12 feet – 0 inches clear width and approved means of operation (www.knoxbox.com)

- Fire Hydrant access and flow shall meet the following:**
 - Hydrant location within 500 feet of the most remote portion of the structure*
 - Fire Flow Test from closest existing hydrant shall be provided meeting the minimum*
(Required Flow: 1000 gpm @ 20 psi)

APPLICANT: Kenneth Wood

PETITION NO.: Z-51

PRESENT ZONING: R-15 ws

PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-15 with stipulations to R-15 for purpose of Horse Farm and House. The 13.65 acre site is located at the northwesterly side of Fountain Road, northeast of Montpelier Drive.

Comprehensive Plan

The parcel is within a Low Density Residential (**LDR**) future land use category, with R-15 zoning designation. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre. This category presents a range of densities.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

APPLICANT Kenneth Wood

PETITION NO. Z-051

PRESENT ZONING R-15 w/stips

PETITION FOR R-15

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): **12" DI / N side of Fontaine Road**

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: **In ROW of Fontaine Road**

Estimated Waste Generation (in G.P.D.): **ADF 160 Peak= 400**

Treatment Plant: **South Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drw Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Health Dept approval required for use of septic system (single house on +/- 13 acres).
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Kenneth Wood

PETITION NO.: Z-51

PRESENT ZONING: R-15 w/stips

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Nickajack Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (**onsite**) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: adjacent to lake and within stream buffers

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on _____.

APPLICANT: Kenneth Wood

PETITION NO.: Z-51

PRESENT ZONING: R-15 w/stips

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The majority of this site drains to and is controlled by the small onsite pond which will remain. There are some dam maintenance issues that need to be addressed which include:
 - Removal of trees from the dam.
 - Verification of principal spillway condition & function.
 - Stabilization of dam face erosion near left abutment.
 - Establishment of proper emergency spillway.

APPLICANT: Kenneth Wood

PETITION NO.: Z-51

PRESENT ZONING: R-15 with stipulations

PETITION FOR: R-15

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Fontaine Road	5700	Arterial	35 mph	Cobb County	100'

Based on 2010 traffic counting data taken by Cobb DOT (Fontaine Road)

COMMENTS AND OBSERVATIONS

Fontaine Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Fontaine Road, a minimum of 50' from the roadway centerline if land is further subdivided.

Recommend curb, gutter, and sidewalk along the Fontaine Road frontage if land is further subdivided.

Recommend the driveway is paved 25 feet.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

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STAFF RECOMMENDATIONS

Z-51 KENNETH WOOD

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Surrounded by other single-family residences as well as other, larger estate lots in the immediate vicinity, the request will allow the subject property's acreage to be developed for one (1) single-family residence.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The request will allow development of the subject property for one (1) single-family home with accessory horse stables that will have less impact on the potential 25 lots currently allowed.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. Designated as Low Density Residential (LDR) by the *Plan*, this request significantly lowers the density of this site from is currently allowable thus following the *Plan's* call for low density housing between one (1) and two and one-half (2.5) dwelling units per acre having a density of 0.073.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The request will allow development of the subject property's acreage for one (1) single-family residence and horse stables instead of the 25 lot subdivision currently allowed by its previous zoning approval. This reduction of 24 lots will be less impactful to surrounding properties and be more in keeping with those larger lots found along Fontaine Road. Furthermore, as the applicant's request is to allow a single home on the several acres of the subject property, returning the property to its original R-20 single-family residential district classification would restore the continuity of the R-20 zoning of the property's immediate neighbors.

Based on the above analysis, Staff recommends **DELETING** the request to R-20 single-family residential subject to the following conditions:

- Site plan received by Zoning Division on July 1, 2013 for reference only relative to two (2) accessory structures to the side and/or in front of the primary structure;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to §36-71-13 for dedication of system improvements to mitigate traffic concerns.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

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COBB COUNTY GEORGIA
PLANNING DEPT

Application No. Z-051

Sept. 2013

2013 JUL -1 AM 9:47

COBB COUNTY ZONING DIVISION
Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): one 3,000 SF custom home
- b) Proposed building architecture: custom single family home & horse stable w/ detached garage
- c) Proposed selling prices(s): n/a
- d) List all requested variances: n/a

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

n/a

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

No

June 28, 2013

COBB COUNTY GEORGIA
FILED 11-0-1101

Cobb County Zoning/ Planning Department
1150 Powder Springs Street
Suite 400
Marietta GA 30064

2013 JUL -1 AM 9:47

COBB COUNTY ZONING DIVISION

Re: LETTER OF INTENT
446 FONTAINE ROAD REZONING (R-15)
LAND LOT 112, 17th DISTRICT, COBB COUNTY, GA

To Whom It May Concern:

The intent of this zoning proposal is to rezone the existing site that is currently zoned R-15 conditional to R-15 without conditions. The site is a 13.64 acre parcel located at 446 Fontaine Road in Mableton, GA with an existing home and lake. The property was previously zoned R-15 conditional by North Point Park Builders with the intent of building a 25 lot subdivision. We instead are proposing to rezone the property to R-15 with no conditions for a horse farm and single-family home. The new home will be approximately 3,000 SF with a detached garage, there will be 2 horse stables, and the lake will remain.

Applicant:

Planners & Engineers Collaborative, Inc.
C/O John & Kathleen Larimer



Kenneth J. Wood
350 Research Court
Norcross, GA 30092

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

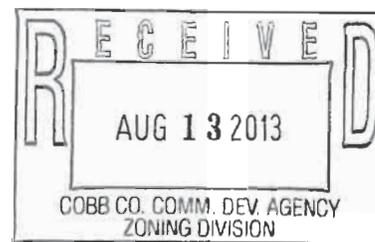
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

August 13, 2013

VIA EMAIL

Mr. John P. Pederson, AICP, Division Manager
Cobb County Community Development Agency
P. O. Box 649
Marietta, GA 30061-0649



Re: Application of Kenneth Wood to Rezone a 13.64 Acre Tract
from R-15 Conditional to R-15 (No. Z-51)

Dear John:

As you know, this firm represents Mr. & Mrs. John Larimer, the Owners of the property which constitutes the subject matter of the above-captioned Application for Rezoning. In that regard, the Application is scheduled to be heard and considered by the Cobb County Planning Commission on September 9, 2013 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on September 17, 2013.

You will recall that we handled the underlying rezoning of the subject property to R-15 which was approved on August 15, 2006, subject to numerous stipulations/conditions (No. Z-103 [2006]). At that time, the Application was approved for a Single-Family Residential Subdivision consisting of a total number of twenty-five (25) homes at a density of 1.85 units per acre. Obviously, that residential development never came to fruition and the Larimers recently purchased the property and filed this Application for Rezoning which seeks a considerable down-zoning and a dramatic change in the future manner in which the subject property will be utilized.

While this Application has been pending, we have established a dialogue with the County's professional staff and others. With respect to those ongoing discussions, this letter will serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested downzoning and binding upon the subject property thereafter:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Division Manager
Cobb County Community Development Agency
August 13, 2013
Page 2

2. The subject property shall be developed in substantial conformity to that certain site plan prepared by Planners and Engineers Collaborative a copy of which is attached hereto.
3. The subject property will be utilized for the private use of the Larimer family and will include the following:
 - a) The construction of the Larimer home which will range in size from approximately 2,800 sq. ft. to 3,500 sq. ft. in size.
 - b) The construction of a high-end stable approximately thirty feet by forty feet (30'x40') to accommodate the Larimers' horses.
 - c) The construction of a barn approximately twenty-five feet by thirty feet (25'x30').
4. The architectural style and composition of the home, stable and barn shall be in substantial conformity to the renderings/elevations which will be submitted under separate cover once completed by the Larimers' architect.
5. Subject to recommendations from the Cobb County Stormwater Management Division with respect to detention, stormwater management and hydrological issues, including the following:
 - a) The ultimate location and configuration of on-site detention, stormwater management and water quality components.
 - b) Recognizing the seventy-five foot (75') streambank buffers (150 ft. total) and the placement of same within a Conservation Easement in favor of Cobb County.
 - c) Recognizing the twenty-five foot (25') lake buffer on the existing lake which shall remain in place.
6. A minimum of a seventy-five foot (75') in width tree line around the perimeter of the subject property which shall remain in place in substantial conformity to what is shown on the site plan (Open Field Tree Save Area).

SAMS, LARKIN & HUFF
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VIA EMAIL

Mr. John P. Pederson, AICP, Division Manager
Cobb County Community Development Agency
August 13, 2013
Page 3

7. Subject to recommendations from the Cobb County Department of Transportation (“DOT”), including the following:
 - a) Upon a redevelopment of the subject property and/or the subdivision of same, the voluntary donation and conveyance of right-of-way on the north side of Fontaine Road a minimum of fifty feet (50’) from the roadway centerline.
 - b) Upon a redevelopment or subdivision of the subject property, the installation of a deceleration lane.
 - c) Upon a redevelopment or subdivision of the subject property, the installation of sidewalk, curb and gutter along the subject property’s Fontaine Road frontage.
 - d) Paving the first twenty-five feet (25’) of the proposed gravel driveway, said area being measured from the edge of pavement on Fontaine Road.
8. The granting of contemporaneous variances regarding the positioning of accessory structures on the subject property.
9. Compliance with the recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
10. Subject to recommendations from the Cobb County Fire Department.
11. The District Commissioner shall have the authority to approve minor modifications to these stipulations and the site plan as the development proposal proceeds through the Plan Review process and thereafter.

Please do not hesitate to contact me should you or your staff require additional information or documentation prior to the Planning Commission and Board of Commissioners hearing and considering this Application next month.

SAMS, LARKIN & HUFF

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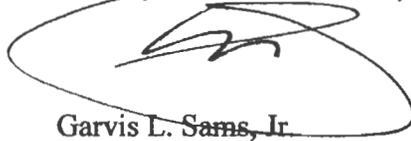
VIA EMAIL

Mr. John P. Pederson, AICP, Division Manager
Cobb County Community Development Agency
August 13, 2013
Page 4

With kind regards, I am

Very truly yours,

~~SAMS, LARKIN & HUFF, LLP~~



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS/dsj

Attachment

cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Members, Cobb County Planning Commission (via email w/attachment)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachment)
Mr. Dana Johnson, AICP Planning Manager (via email w/attachment)
Mr. Jason Campbell, Planner III (via email w/attachment)
Mr. David Breaden, PE, Cobb County Stormwater Management (via email w/attachment)
Ms. Jane Stricklin, P.E., Cobb County DOT (via email w/attachment)
Ms. Karen King, Assistant County Clerk (via email w/attachment)
Ms. Lori Barton, Deputy County Clerk (via email w/attachment)
Ms. Robin Meyer, Mableton Improvement Coalition (via email w/attachment)
Mr. & Mrs. John Larimer (via email w/attachment)
Mr. Kenneth J. Wood, P.E., LEED AP (via email w/attachment)

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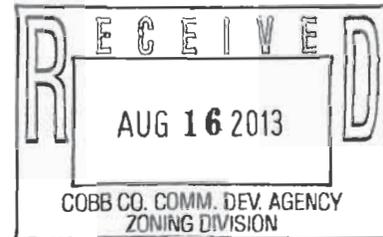
JUSTIN H. MEEKS

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August 16, 2013

VIA EMAIL

Mr. John P. Pederson, AICP, Division Manager
Cobb County Community Development Agency
P. O. Box 649
Marietta, GA 30061-0649



Re: Application of Kenneth Wood to Rezone a 13.64 Acre Tract
from R-15 Conditional to R-15 (No. Z-51)

Dear John:

You will recall that this firm represents Mr. & Mrs. John Larimer, the owners of the property which constitutes the subject matter of the above-captioned Application for Rezoning. Earlier this week, on August 13, 2013, we submitted a letter of agreeable stipulations/conditions. Within that letter, in paragraph 4, we agreed that the architectural style and composition of the home, stable and barn will be in substantial conformity to the renderings and elevations to be submitted under separate cover once completed by the Larimers' architect.

With respect to the foregoing, attached please find the above-referenced renderings/elevations which do depict the architectural style and composition of the home, stable and barn which will be constructed on the subject property. As I mentioned in the letter earlier this week, this Application for Rezoning seeks a dramatic change in the manner in which the subject property will be utilized in the future and circumstances under which the residents along the Fontaine Road Corridor should be pleased.

Please do not hesitate to call should you or your staff require additional information or documentation concerning these matters. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read "Garvis L. Sams, Jr.", enclosed within a large, loopy oval scribble.

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS/dsj
Attachments

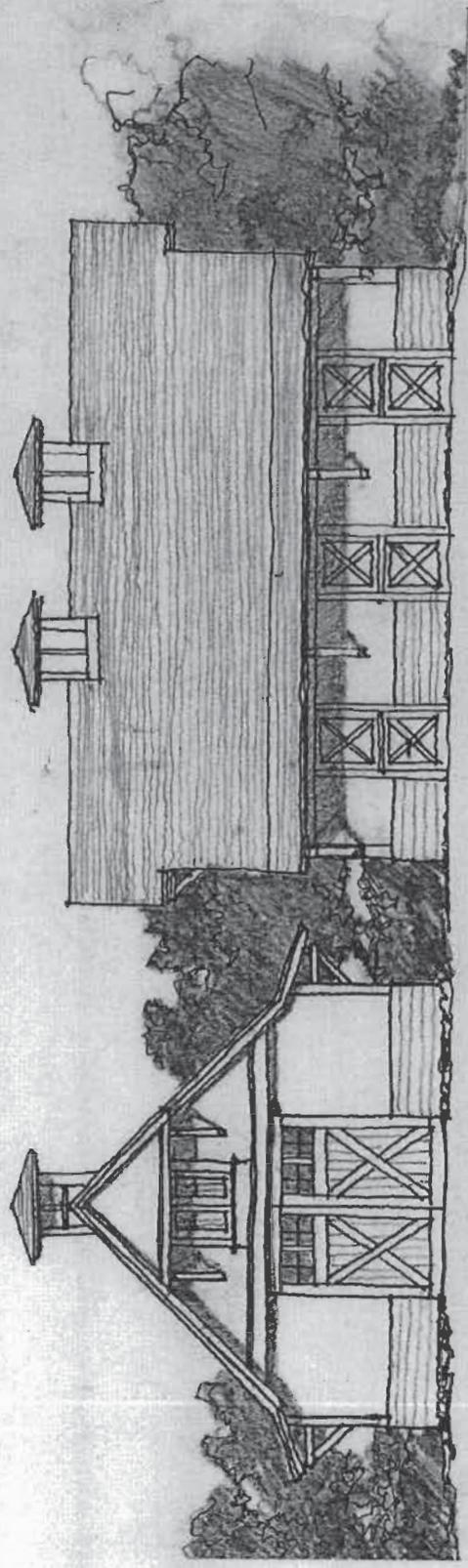
SAMS, LARKIN & HUFF

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VIA EMAIL

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Cobb County Community Development Agency
August 16, 2013
Page 2

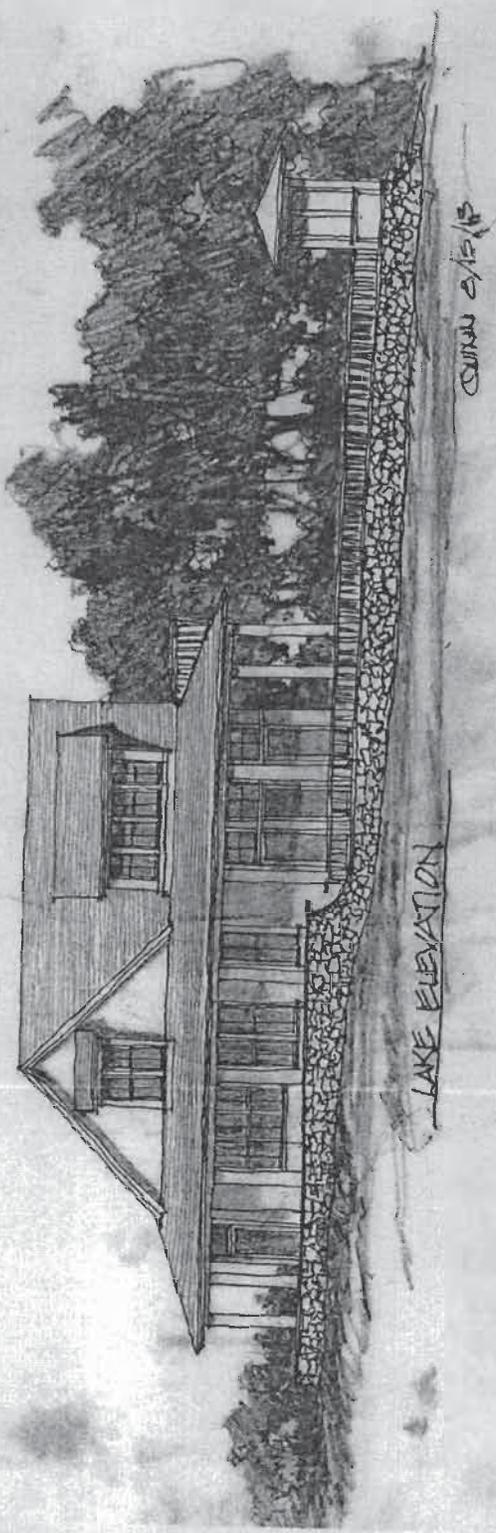
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Ms. Robin Meyer, Mableton Improvement Coalition (via email w/attachments)
Mr. & Mrs. John Larimer (via email w/attachments)
Mr. Kenneth J. Wood, P.E., LEED AP (via email w/attachments)



QUINN 8/15/13

BARN ELEVATIONS

RECEIVED
AUG 16 2013
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



RECEIVED
AUG 16 2013
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

ORIGINAL DATE OF APPLICATION: 08-15-06APPLICANTS NAME: NORTH POINT PARK BUILDERS, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 08-15-06 ZONING HEARING:**

NORTH POINT PARK BUILDERS, LLC (Phillip Allen Boyd, Robin Janet Boyd, J. James Bryan, Sybil S. Bryan and Barbara New, owners) requesting Rezoning from **R-20** to **R-15** for the purpose of a Subdivision in Land Lot 112 of the 17th District. Located on the north side of Fontaine Road, northeasterly of Montpelier Drive.

MOTION: Motion by Goreham, second by Lee, as part of the Consent Agenda, to **approve** rezoning to the **R-15** zoning district **subject to:**

- **site plan received by the Zoning Division August 8, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Garvis L. Sams, Jr., dated July 28, 2006 (copy attached and made a part of these minutes)**
- **Fire Department comments and recommendations**
- **Water and Sewer comments and recommendations**
- **Stormwater Management comments and recommendations**
- **DOT comments and recommendations**
- **owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** unanimously

Min. Bk. 44 p
Doc. Type stipulation letter
Meeting Date August 15, 2006

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

PAGE 8 OF
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GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN

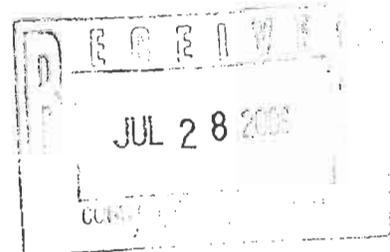
July 28, 2006

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



Re: Application of North Point Park Builders, LLC to Rezone a 13.64 Acre Tract from R-20 to R-15 (No. Z-103)

Dear John:

You will recall that this firm represents the applicant and property owners concerning the above-captioned application for rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on August 1, 2006 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on August 15, 2006. With respect to the foregoing, enclosed please find a revised legal description which reflects that the subject property actually constitutes a tract containing 13.64 acres (as opposed to 13.25 acres).

During the pendency of the application we have established a dialogue with representatives of the Mableton Improvement Coalition ("MIC"). As a result of those discussions, we have agreed to incorporate all of MIC's suggestions into our stipulations/conditions. With respect to our agreement with MIC, the balance of this letter will serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and modified hereby, and binding upon the subject property thereafter:

1. The revised stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.

Petition No. 2-103
Meeting Date August 15, 2006
Continued

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
July 28, 2006
Page 2

PAGE 9 OF

2. The granting of the rezoning shall be from R-20 to R-15 in substantial conformity to the preliminary site plan prepared by AEC, Inc., which was filed contemporaneously with the application for rezoning.¹
3. There shall be a maximum number of 25 homes at a maximum net density of 1.85 units per acre.²
4. Homes shall range in size from a minimum of 2,700 square feet up to 3,200 square feet and possibly greater.³ The square footage described shall consist of heated/cooled space and will not include, for example, garages.
5. The architectural style of the homes shall be traditional with the composition of each home consisting of a mixture of either brick, stacked stone or hardy plank shank consistent with the elevations/renderings which are being resubmitted contemporaneously herewith.⁴ The homes will have four-sided architecture treatment and neither the side nor the rear of the homes will consist of just one architectural component. Additionally, there shall be an agreement that no vinyl whatsoever will be used on any of the homes.
6. An agreement to the recordation and enforcement of Declaration of Covenants, Conditions and Restrictions for the proposed residential community which shall contain rules and regulations applicable to the entire community, including strict architectural controls.
7. The creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of all common/open space areas, landscaped areas, passive amenity areas, fences and lighting.

¹ This stipulation tracks staff's recommendation that the application be approved subject to the site plan received by the zoning division [on] May 31, 2006, with the District Commissioner approving minor modifications.

² The density proposed is lower than but consistent with the density achieved in connection with No. Z-5 (2002) which was approved at an overall density of 1.88 units per acre and consistent with other residential developments along the Fontaine Road Corridor.

³ Price points will range from the low \$400's and upward.

⁴ The applicant will agree to utilize ten (10) different elevations for the homes which will be constructed within the proposed residential community.

VIA HAND DELIVERY

Petition No. Z-103
Meeting Date August 15, 2006
Continued

PAGE 10 OF

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
July 28, 2006
Page 3

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8. The submission of a landscape plan during the Plan Review which shall be subject to review and approval by a Landscape Review Committee composed of the Developer, a representative from MIC and a representative from the Cobb County Community Development Agency, with the County representative being the final arbiter with respect to any differences which may arise. Additionally, an agreement to the following:
 - a. The construction or planting of landscaped features along the subject property's frontage on Fontaine Road which shall be irrigated subject to review by the Landscape Review Committee as aforementioned. If a fence is constructed along the subject property's frontage, the fence shall be of wrought-iron type with columns of brick and/or stone.
 - b. Lighting within the residential community shall be decorative and themed to the architectural style and composition of the homes.
 - c. The front, side and rear yards of all homes shall be sodded and irrigated where appropriate.
 - d. Subdivision entrance signage shall be ground-based, monument style, fully landscaped and irrigated and incorporated into the landscape plan which shall be reviewed by the Landscape Review Committee.
 - e. Any trees planted in the yards of the homes shall be consistent with the County's Tree Preservation Replacement Ordinance and be at least two inch (2") caliper.
 - f. An agreement to maintain a sixty-five foot (65') landscaped set back from Fontaine Road on Lot 1.

 9. Compliance with the recommendations from the Cobb County Department of Transportation regarding traffic/transportational issues, including the following:
 - a. The voluntary donation and conveyance of right-of-way so that the County can achieve 50' from the centerline of Fontaine Road (arterial).
 - b. The installation of twelve-foot (12') multi-use sidewalk, curb and gutter along the subject property's frontage on Fontaine Road. Additionally, the construction of sidewalks within the proposed residential community

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
July 28, 2006
Page 4

Petition No. Z-103
Meeting Date August 15, 2006
Continued

PAGE 11 OF

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- c. The construction and installation of a 150' deceleration lane with a 50' taper at the subject property's point of ingress/egress on Fontaine Road.
 - d. Ensuring minimum sight distance ranging from 390' to 500' or the implementation of remedial measures in which to mitigate same.
10. Subject to the recommendations from the Cobb County Stormwater Management Division with respect to stormwater, on site detention, water quality ponds, hydrology and downstream considerations, including the following:
- a. Maintaining 50' undisturbed lake and stream bank buffers and the conveyance of same in the form of a restrictive easement to Cobb County so that the buffers can remain undisturbed in perpetuity.
 - b. Bringing the dam up to County specifications from a structural perspective by way of a geo-technical evaluation.
 - c. There shall be no construction within the flood plain areas and, with respect to the lots (20-25) adjacent to the flood plain, at least 12,500 square feet of each lot shall be outside of the flood plain area.
 - d. Compliance with Cobb County's spillway capacity requirements.
 - e. An agreement to install double silt fencing during the construction and build-out of the proposed residential community if such is recommended and supported by the Stormwater Management Division.
 - f. Limiting the grading of the site to rights-of-way, house pads, front yards and required slopes.
11. Compliance with the recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer.
12. Compliance with the recommendations from the Cobb County Fire Department contained within the Zoning Analysis.

Petition No. Z-103
Meeting Date August 15, 2006
Continued
PAGE 12 OF

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
July 28, 2006
Page 5

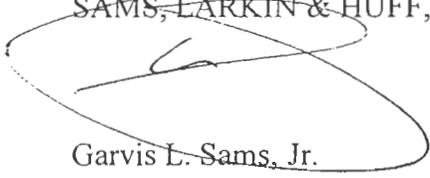
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- 13. Granting of the following contemporaneous variances which are dictated by the positioning of the existing lake and the street configuration:
 - a. A reduction in the front setback from thirty-five feet (35') to thirty feet (30'), with the commensurate increase in the rear set back from thirty feet (30') to thirty-five feet (35').
 - b. A reduction in the side interior set back from ten feet (10') to five feet (5') while maintaining at least fifteen feet (15') between the homes.
 - c. A reduction in lot widths as indicated by topographical or hydrological conditions during Plan Review.

 - 14. Minor modifications to these stipulations or the site plan may be approved by the District Commissioner as needed or necessary during Plan Review.

The foregoing stipulations/conditions are the culmination of fruitful discussions which we have had with staff, area residents and representatives of MIC. Please do not hesitate to call should you or the staff require any further information or documentation prior to the application's appearance before the Planning Commission and Board of Commissioners next month.

Very truly yours,

~~SAMS, LARKIN & HUFF, LLP~~



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/dsj
Enclosures

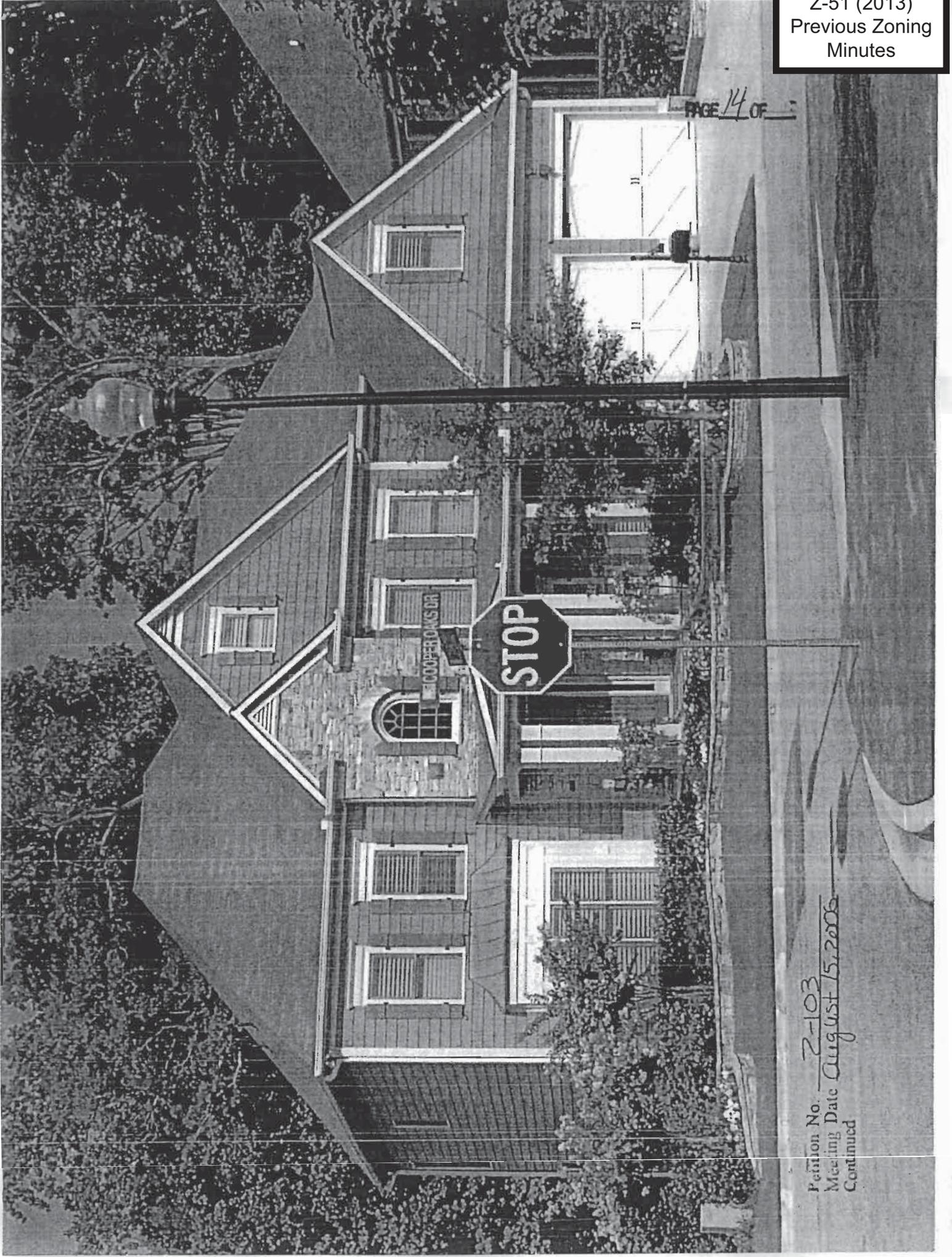
SAMS, LARKIN & HUFF
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Petition No. Z-103
Meeting Date August 15, 2006
Continued
PAGE 13 OF

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
July 28, 2006
Page 6

- cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery - w/encs.
Members, Cobb County Planning Commission – VIA E-Mail - w/encs.
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/encs.
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery – w/encs.
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/encs.
Mr. Jim Cavedo, President, Mableton Improvement Coalition – VIA E-Mail – w/encs.
Mr. Tommy Sweet, North Point Park Builders, LLC – VIA E-Mail w/encs.

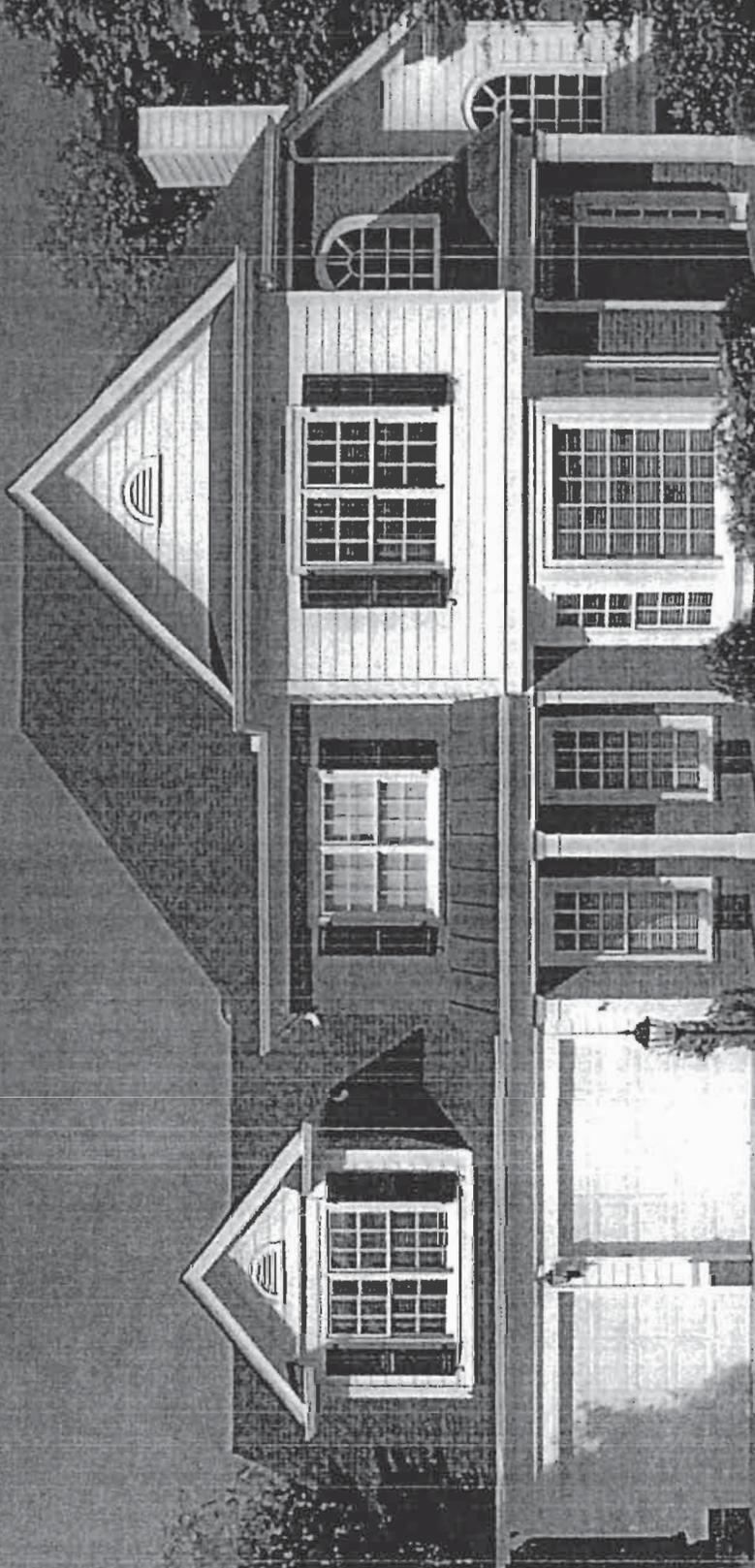


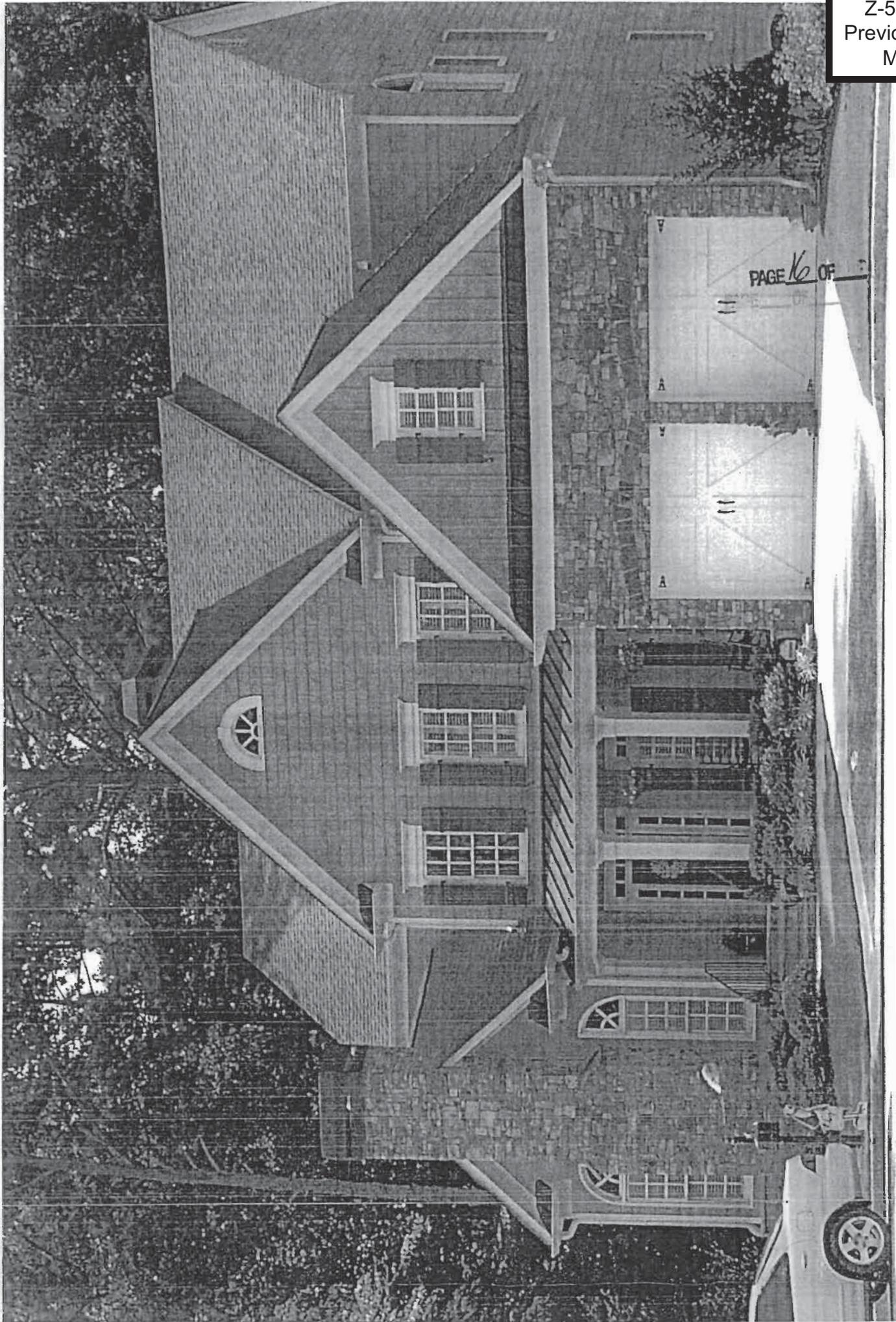
PAGE 14 OF 21

Petition No. Z-103
Meeting Date August 15, 2006
Continued

PAGE 15 OF 3

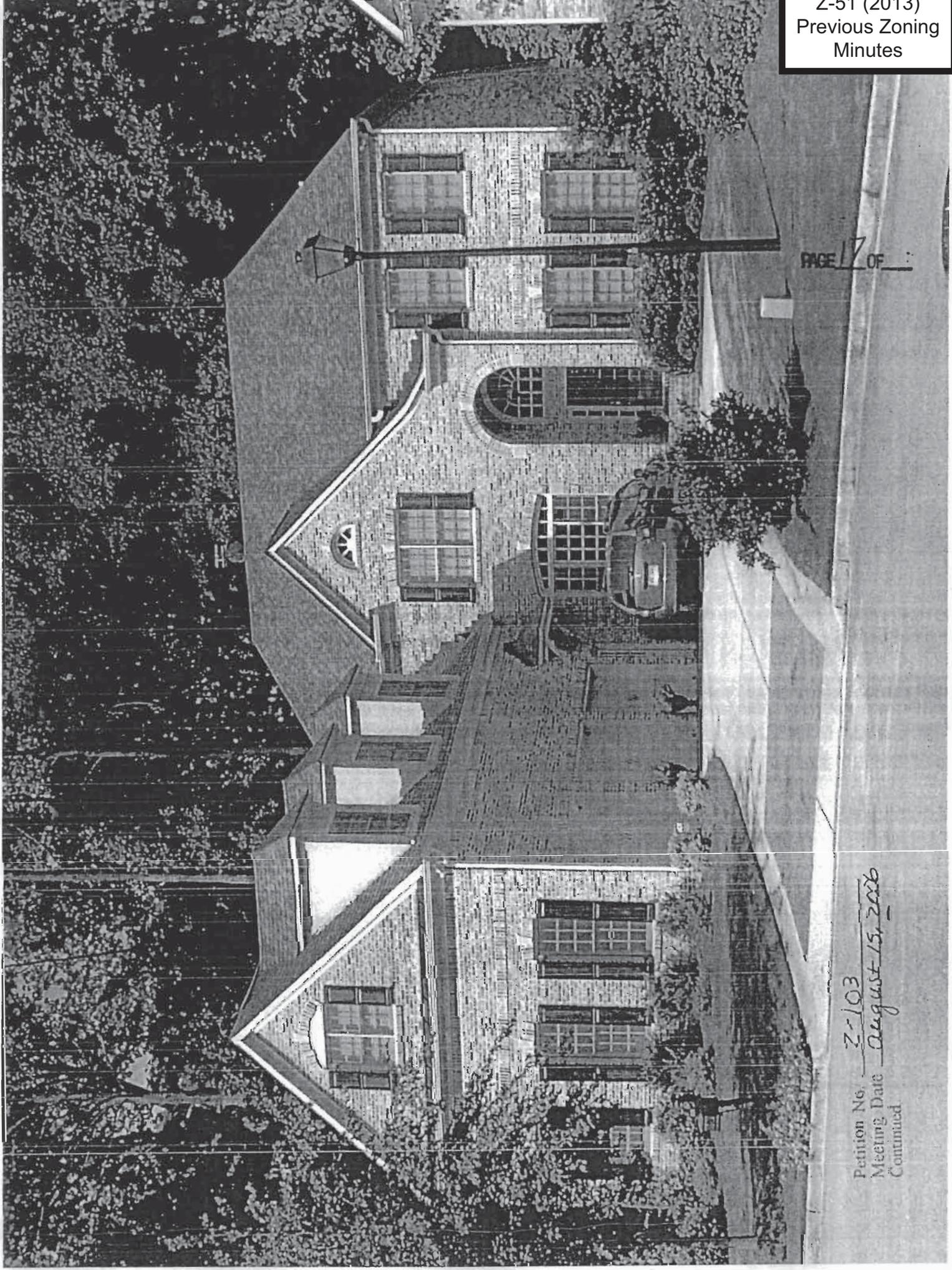
Petition No. Z-103
Meeting Date August 15, 2016
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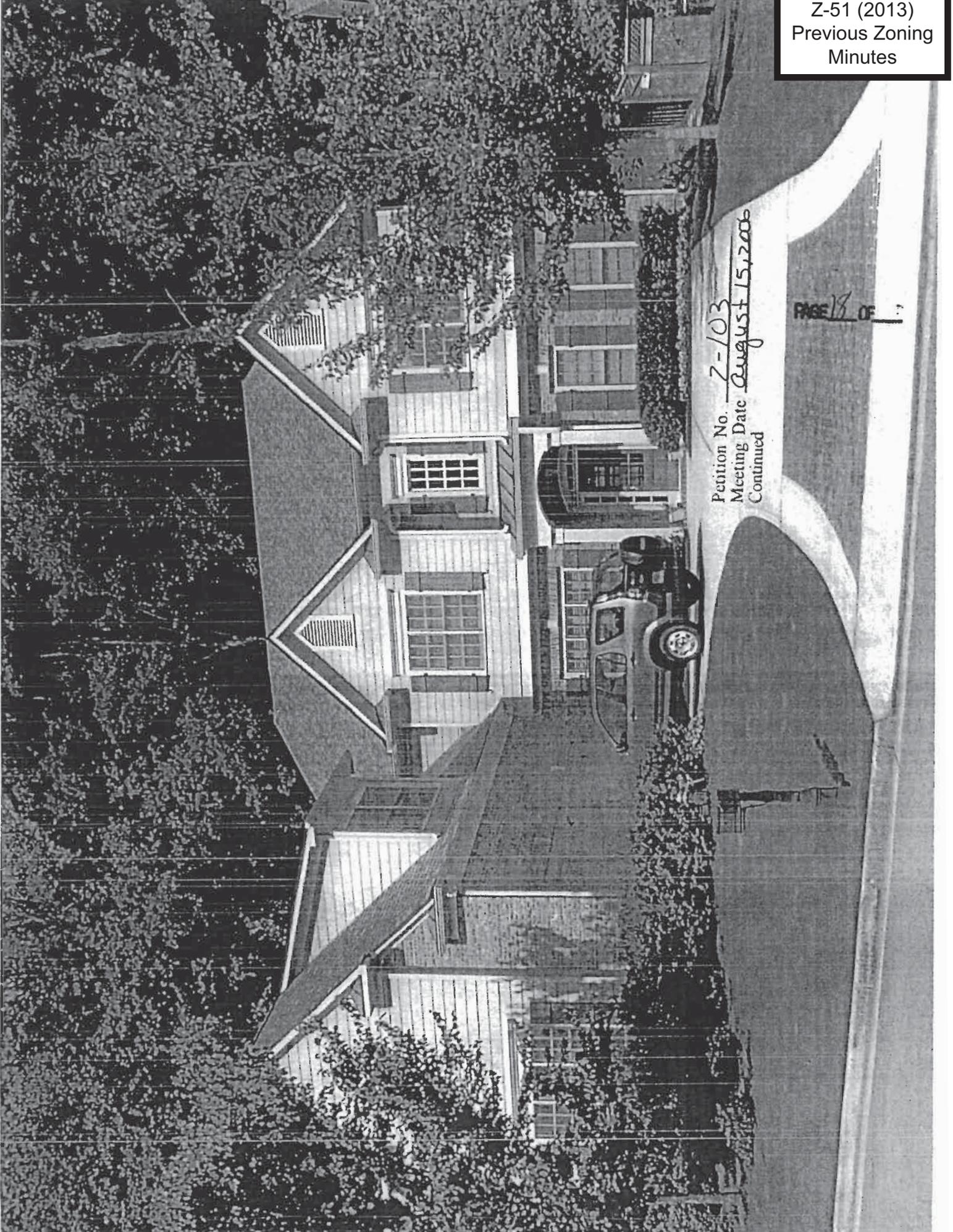


PAGE 16 OF 27

Petition No. Z-103
Hearing Date August 15, 2006
Continued

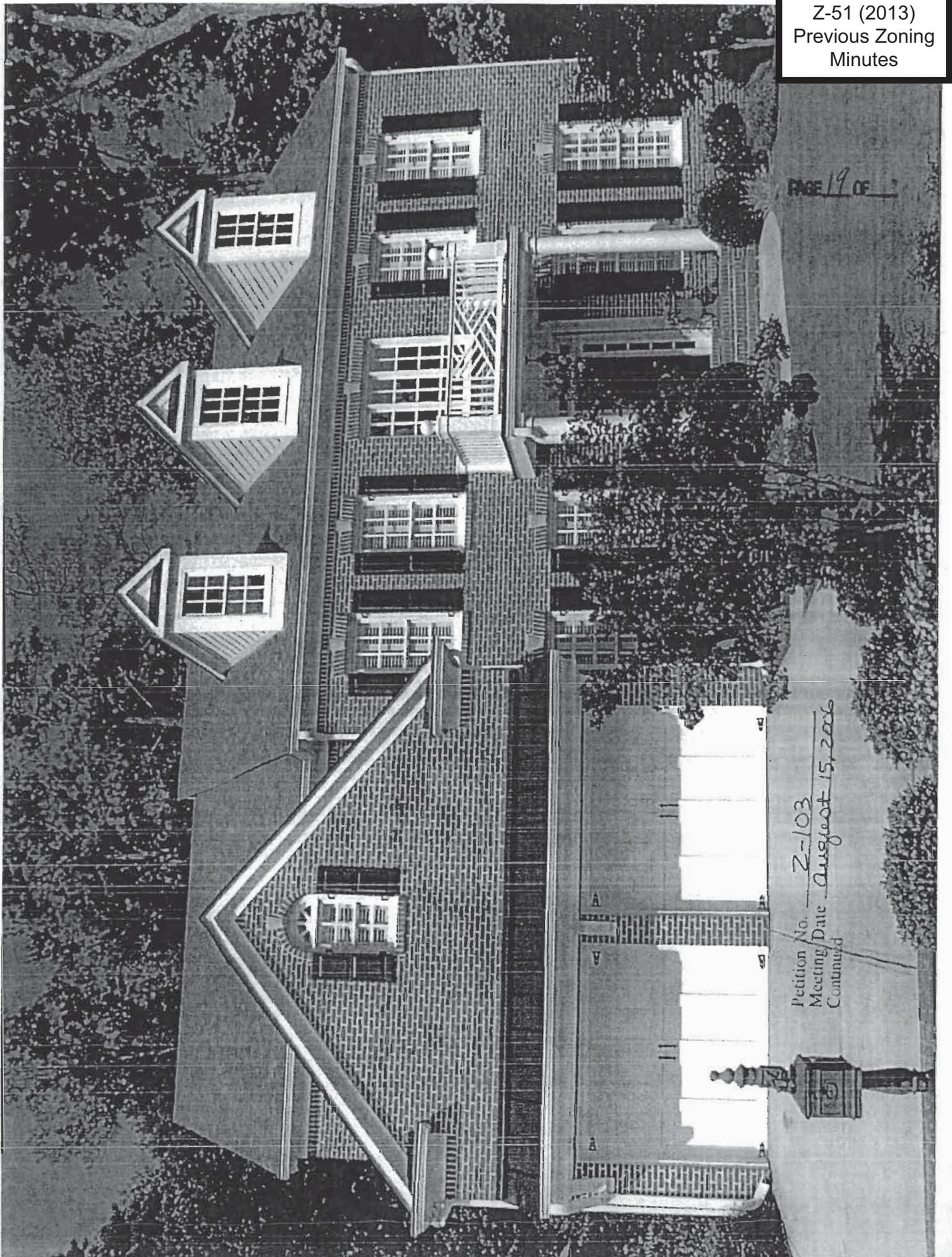


Petition No. Z-103
Meeting Date August 15, 2006
Continued



Petition No. Z-103
Meeting Date August 15, 2006
Continued

PAGE 19 OF



Petition No. Z-103
Meeting Date August 15, 2006
Continued

LEGAL DESCRIPTION
OVERALL (FOUNTAIN ROAD DEVELOPMENT)

PAGE 20 OF 20

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 112 of the 17th District, 2nd Section of Cobb County, Georgia and being more particularly described as follows:

To find the POINT OF BEGINNING, commence at a found iron pin at the intersection of the northerly right-of-way of Pineland Circle and a point found 22.8 feet from the edge of pavement, said point being the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEIGINNING as this established, thence continuing along the westerly land lot line the following courses and distances: North 00 degrees 00 minutes 06 seconds West a distance of 619.08 feet to a point; thence South 89 degrees 00 minutes 36 seconds East a distance of 579.03 feet to a point; thence South 88 degrees 56 minutes 12 seconds East a distance of 211.98 feet to a point; thence South 01 degrees 17 minutes 01 second West a distance of 100.03 feet to a point; thence South 01 degrees 17 minutes 33 seconds West a distance of 75.22 feet to a point; thence South 01 degrees 10 minutes 17 seconds East a distance of 29.56 feet to a point; thence South 03 degrees 12 minutes 06 seconds West a distance of 526.60 feet to a point; thence South 56 degrees 42 minutes 30 seconds West a distance of 229.29 feet to a point; thence North 89 degrees 07 minutes 32 seconds West a distance of 167.33 feet to a point; thence North 02 degrees 53 minutes 08 seconds West a distance of 57.93 feet to a point; thence North 64 degree 15 minutes 12 seconds West a distance of 439.34 feet to a found iron pin and the TRUE POINT OF BEGINNING.

Said tract containing 13.64692 acres.

Prtition No. 2-103
Meeting Date August 15, 2006
Continued

APPLICANT: North Point Park Builders, LLC

PETITION NO.: Z

PRESENT ZONING: R-20

PETITION FOR: R-15

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Under/over -/+</u>
<u>Mableton</u>	<u></u>	<u>Over</u>	<u>+12.6%</u>
Elementary			
<u>Floyd</u>	<u></u>	<u>Under</u>	<u>-11.3%</u>
Middle			
<u>South Cobb</u>	<u></u>	<u>Over</u>	<u>+28.0%</u>

High

*School attendance zones are subject to revision at anytime.

Additional Comments:

At the present time, approval of this density adjustment could adversely impact overcrowding at two of the schools.

FIRE COMMENTS:

The applicant is responsible to ensure all Cobb County Fire and Emergency Services Code requirements are met related to this project. Plans will need to be submitted to the Cobb County Fire Marshall's Office, prior to any permits being issued.

Standard comments:

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Fire Hydrant
 - a. Commercial: Fire hydrant within 500 feet of most remote part of structure.
 - b. Residential: Fire hydrant within 500 feet of structure.
3. Fire apparatus access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor IFC 503.1 2003 Edition. **All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20-feet, 25-foot inside turning radius, 50-foot outside turning radius and unobstructed vertical clearance of not less than 13-feet 6 inches.** Dead-end access roads in excess of 150-feet shall be provided with a turn-around IFC 503.2.5 2003 Edition. Cul-de-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential cul-de-sac without island: 38-foot outside radius. Commercial cul-de-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-feet wide roadway + 45-feet).

Additional Comments:

APPLICANT North Point Park Builders, LLC

PETITION NO. Z-105

PRESENT ZONING R-20

PETITION FOR R-15

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s): 12" DI / N side Fontaine Rd

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: At site / Fontaine Rd

Estimated Waste Generation (in G.P.D.): **A D F** 10,000 **Peak** 25,000

Treatment Plant: S Cobb

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- Flow Test Required? Yes No
- Letter of Allocation issued? Yes No
- Septic Tank Recommended by this Department? Yes No
- Subject to Health Department Approval? Yes No

* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: North Point Park Builders, LLC

PETITION NO.: Z-103

PRESENT ZONING: R-20

PETITION FOR: R-15

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: along stream and surrounding existing lake

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50' , 75' , 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream .
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream stormdrainage system.

APPLICANT: North Point Park Builders, LLC

PETITION NO.: Z-

PRESENT ZONING: R-20

PETITION FOR: R-15

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

1. Dam must be brought up to Cobb County Dam Standards.
2. The lake and dam must be maintained by the Homeowners Association.
3. Lots 21 - 24 do not appear to have the required minimum 12,500 sf lot area above the lake flood pool.
4. Lots 16 - 19 naturally bypass the existing lake/proposed stormwater management facility. No increase in peak flow will be allowed to bypass to the adjacent property to the east. This must be addressed at Plan Review and may require a cutoff swale along the eastern property line.

APPLICANT: North Point Park Builders, LLC

PETITION NO.: Z-103

PRESENT ZONING: R-20

PETITION FOR: R-15

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Fontaine Road	5400	Arterial	35 mph	Cobb County	100'

Based on 2005 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Fontaine Road is classified as an Arterial and according to the available information, the existing right-of-way not does meet the minimum requirements for this classification.

As necessitated by this development for egress from Fontaine Road, a deceleration lane will be required.

Install sidewalk curb and gutter along the road frontage.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Fontaine Road, a minimum 50' from the roadway centerline.

Recommend a deceleration lane.

Recommend installing sidewalk, curb and gutter along the road frontage.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.