

**NOVEMBER 20, 2012 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 3**

**ITEM # 9**

**PURPOSE**

To consider a stipulation amendment for the Arylessence, Inc. regarding rezoning application Z-155 of 2004 (Arylessence, Inc.), for property located on the north and west sides of Lake Drive, south of Jamerson Road in Land Lot 86 of the 16<sup>th</sup> District.

**BACKGROUND**

The subject property was zoned Heavy Industrial (HI) in 2004 to expand the applicant’s fragrance manufacturing business. One of the standard Cobb D.O.T. comments was to install curb, gutter and sidewalk along the property frontage. The applicant has installed the curb and the gutter to control drainage, but would like to delete the requirement for sidewalks. The applicant would like to delete this requirement since the need for sidewalks in this area is close to nil, and due to the fact that retaining walls would have to be installed along some of the property frontage to “hold-up” the sidewalks, which would impact established landscaping. If approved, all previous zoning stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

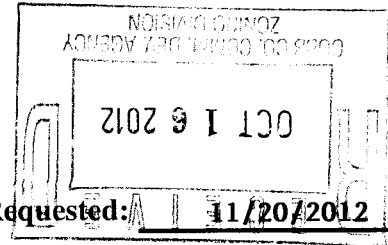
**ATTACHMENTS**

Other Business application and stipulations.

# Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 11/20/2012



**Applicant:** Arylessence, Inc. **Phone #:** (770) 924-3775  
(applicant's name printed)

**Address:** 1091 Lake Drive, Marietta, GA 30066 **E-Mail:** \_\_\_\_\_

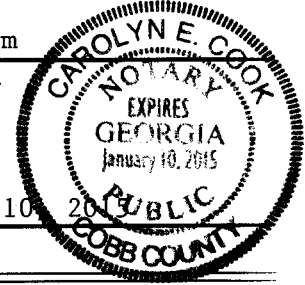
**Moore Ingram Johnson & Steele, LLP** Emerson Overlook, 326 Roswell Street  
**J. Kevin Moore** **Address:** Marietta, GA 30060

(representative's name, printed)

**BY:** [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jkm@mijs.com  
(representative's signature) Georgia Bar No. 519728 w7@mijs.com

Signed, sealed and delivered in presence of:

Carolyn E. Cook **My commission expires:** January 10, 2015  
Notary Public



**Titleholder(s):** Arylessence, Inc. **Phone #:** (770) 924-3775  
(property owner's name printed)

**Address:** 1091 Lake Drive, Marietta, GA 30066 **E-Mail:** \_\_\_\_\_

See Attached Exhibit "A" for Signature of Titleholder's Representative  
(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_ **My commission expires:** \_\_\_\_\_  
Notary Public

**Commission District:** 3 (Birrell) **Zoning Case:** Z-155 (2004)

**Date of Zoning Decision:** 09/21/2004 **Original Date of Hearing:** 09/21/2004

**Location:** Northerly and westerly sides of Lake Drive; South of Jamerson Road  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 86 **District(s):** 16th

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_

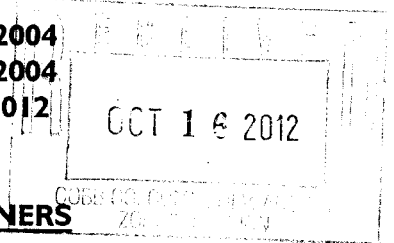
See Exhibit "B" attached hereto and incorporated herein by reference.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(List or attach additional information if needed)

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS**

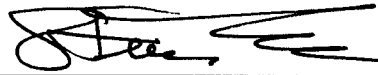
Application No.: Z-155 (2004)  
Original Hearing Date: September 21, 2004  
Date of Zoning Decision: September 21, 2004  
Current Hearing Date: November 20, 2012



**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

Applicant/Titleholder: Arylescence, Inc.

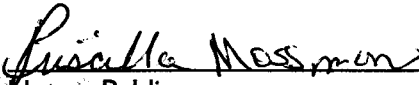
ARYLESSENCE, INC.

BY:   
PRINTED NAME: STEVE TANNER  
TITLE: PRESIDENT / CEO

Address: 1091 Lake Drive  
Marietta, Georgia 30066

Telephone No.: (770) 924-3775

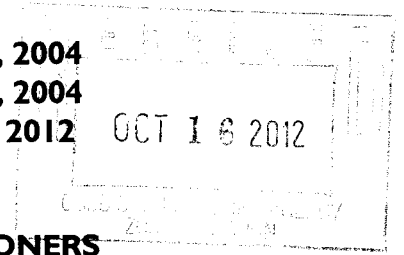
Signed, sealed, and delivered in the presence of:

 10-15-12  
Notary Public

Commission Expires: \_\_\_\_\_  
[Notary Seal] **PRISCILLA MOSSMAN**  
**NOTARY PUBLIC**  
**PICKENS COUNTY, GEORGIA**  
**MY COMM. EXPIRES**  
**AUGUST 5TH, 2014**

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS  
(STIPULATION AMENDMENT)**

**Application No.: Z-155 (2004)**  
**Original Hearing Date: September 21, 2004**  
**Date of Zoning Decision: September 21, 2004**  
**Current Hearing Date: November 20, 2012**



**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant/Titleholder: Arylessence, Inc.**

Applicant is seeking the removal of one recommendation by the Cobb County Department of Transportation which were made a part of the final conditions and stipulations of rezoning approved by the Cobb County Board of Commissioners on September 21, 2004. The condition sought to be removed is the requirement for installation of a sidewalk along Lake Drive.

The balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 21, 2004, in Application No. Z-155 (2004), are unaltered and unchanged by this request for stipulation amendment.

The proposed amendment presented herein in no way adversely impacts or affects the quality of the overall development approved in the original rezoning of the Subject Property. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the proposed development.



**FINAL MINUTES, AND ATTACHMENTS,  
OF APPROVAL BY BOARD OF  
COMMISSIONERS PURSUANT TO  
Z-155 (2004) – SEPTEMBER 21, 2004**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 21, 2004  
9:10 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, September 21, 2004, at 9:10 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman Samuel S. Olens  
Commissioner Helen Goreham  
Commissioner Joe L. Thompson  
Commissioner G. Woody Thompson, Jr.  
Commissioner Tim Lee, absent

**Z-155**      **ARYLESSENCE, INC.** for Rezoning from **R-20** to **HI** for the purpose of Expansion of Office/Warehouse in Land Lot 86 of the 16<sup>th</sup> District. Located on the north and west sides of Lake Drive, south of Jamerson Road.

**MOTION:**      Motion by Olens, second by W. Thompson, as part of the Consent Agenda, to approve rezoning to the **HI** zoning district subject to:

- **site plan received by the Zoning Division August 6, 2004, with the District Commissioner approving minor modifications to site layout (copy attached and made a part of these minutes)**
- **restricted to current fragrance manufacturing use only**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb 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

APPLICANT: Arylessence, Inc.

PETITION NO.: Z-155

PRESENT ZONING: R-20

PETITION FOR: HI

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

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

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Lake Drive	NA	Non-Residential Local	60'

*Based on 10-23-03 traffic counting data taken by Cobb DOT. (Circle 75 Parkway)*

Lake Drive is classified as a Non-Residential Local and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Install sidewalk, curb and gutter along the road frontage.

The applicant will have to verify that minimum intersection sight distance is available. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirement of 200'.

**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 Lake Drive, a minimum of 30' from the roadway centerline.

Recommend installing sidewalk, curb and gutter along the limits of improvement.

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 200'.

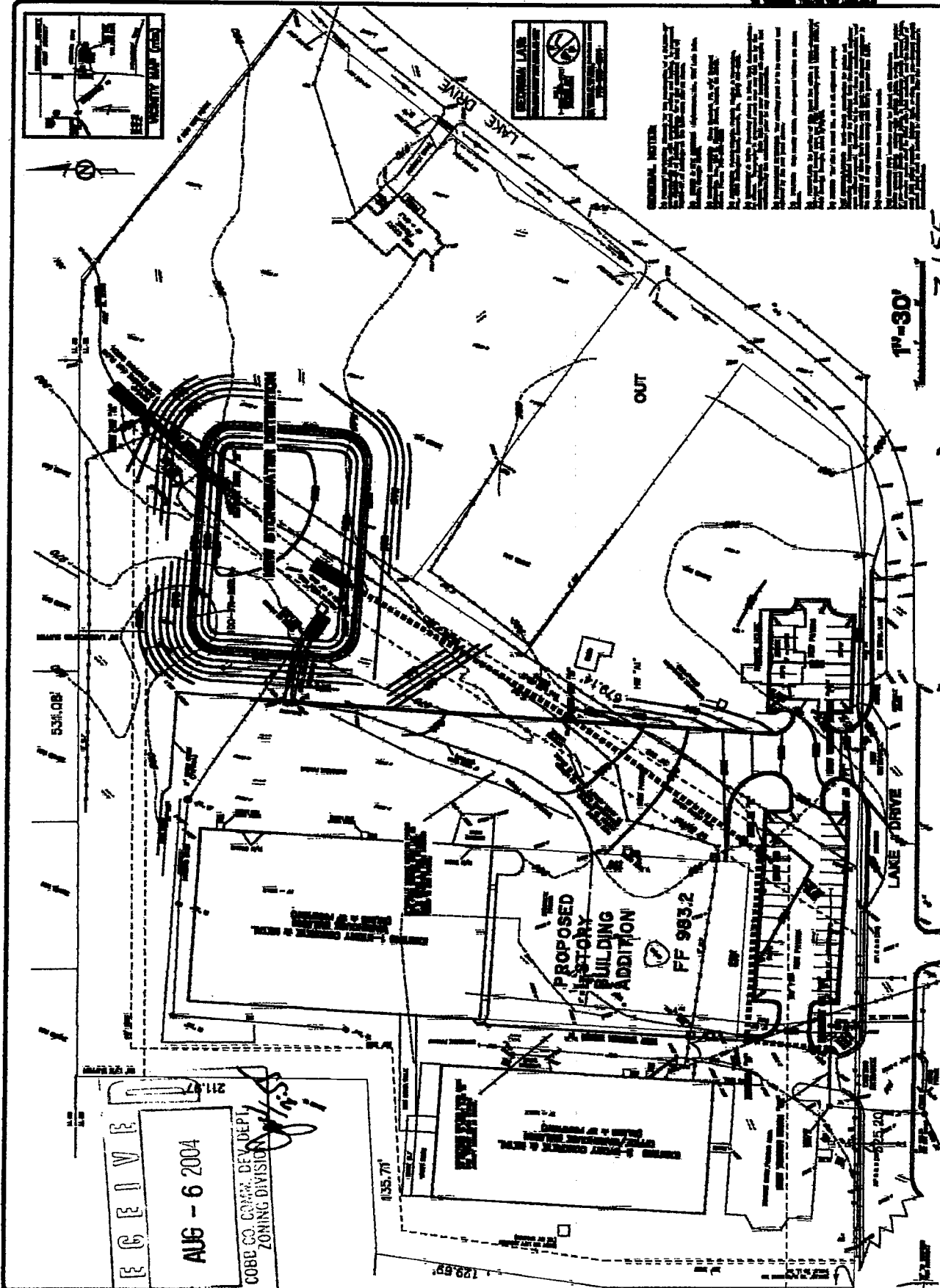
Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.


**DATE PLAN**  
 BOUTWELL ENGINEERING, INC.  
 10100 W. 10TH AVENUE, SUITE 100, DENVER, CO 80231



**APPROVAL NO.**  
 008  
 10100 W. 10TH AVENUE, SUITE 100, DENVER, CO 80231

**1**  
 PAGE 1 OF 1



**GENERAL NOTES:**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

1"=30'

**RECEIVED**  
 AUG - 6 2004  
 COBB CO. COMM. DEV. DEPT.  
 ZONING DIVISION

M.M. BE. 30 Petition No. Z-155  
 Doc. Type Site Plan  
 Meeting Date Sept. 24, 2004