



---

## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2016-10

**LEGISTAR:** 20160368

**LANDOWNERS:** IPTV B C12 LLC  
8401 N. Central Expressway  
Suite 910  
Dallas, TX 75225

**APPLICANT:** Ashley Peckich  
319 Atlanta St Unit 301  
Marietta, GA 30060

**AGENT:** n/a

**PROPERTY ADDRESS:** 999 Whitlock Ave Suite 1

**PARCEL DESCRIPTION:** 16 12250 1410

**AREA:** ±3.28 acres      **COUNCIL WARD:** 3A

**EXISTING ZONING:** NRC (Neighborhood Retail Commercial)

**REQUEST:** NRC with an additional use for indoor dog boarding

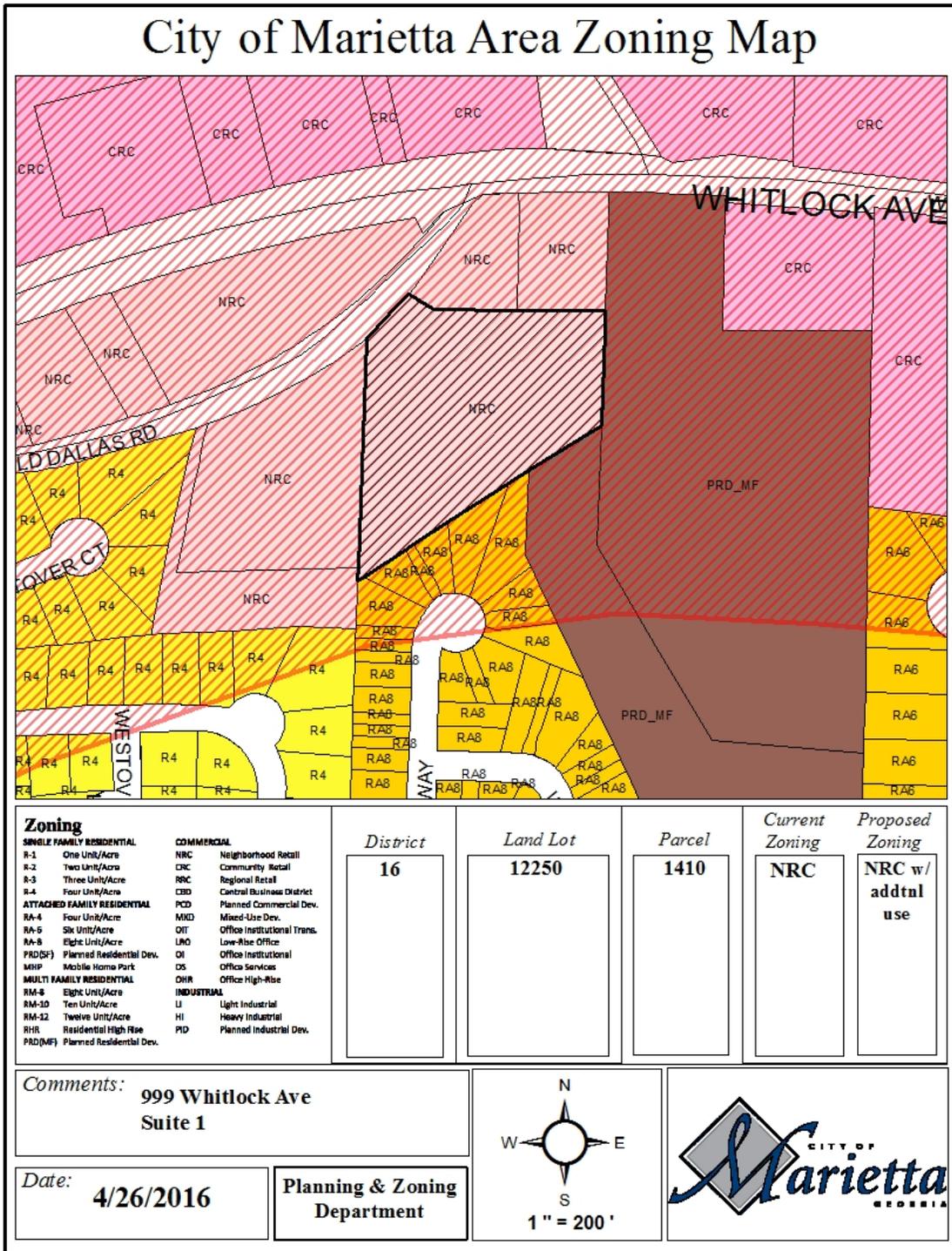
**FUTURE LAND USE:** NAC (Neighborhood Activity Center)

**REASON FOR REQUEST:** The applicant is requesting an additional use for her existing dog daycare and grooming business that would allow overnight, indoor boarding of dogs.

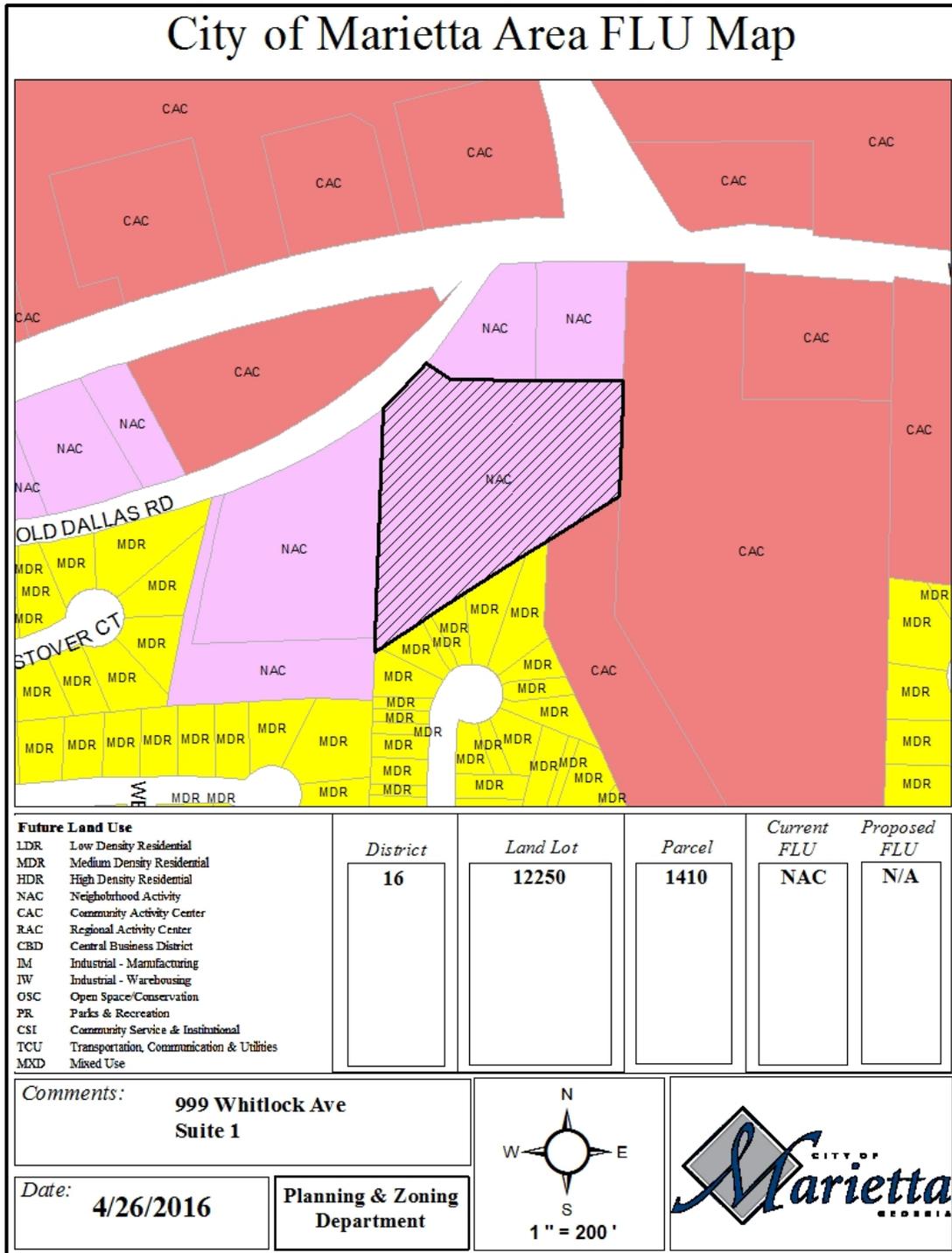
**PLANNING COMMISSION HEARING:** Wednesday, June 1, 2016 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, June 8, 2016 – 7:00 p.m.

## MAP



## FLU MAP



**PICTURES OF PROPERTY**



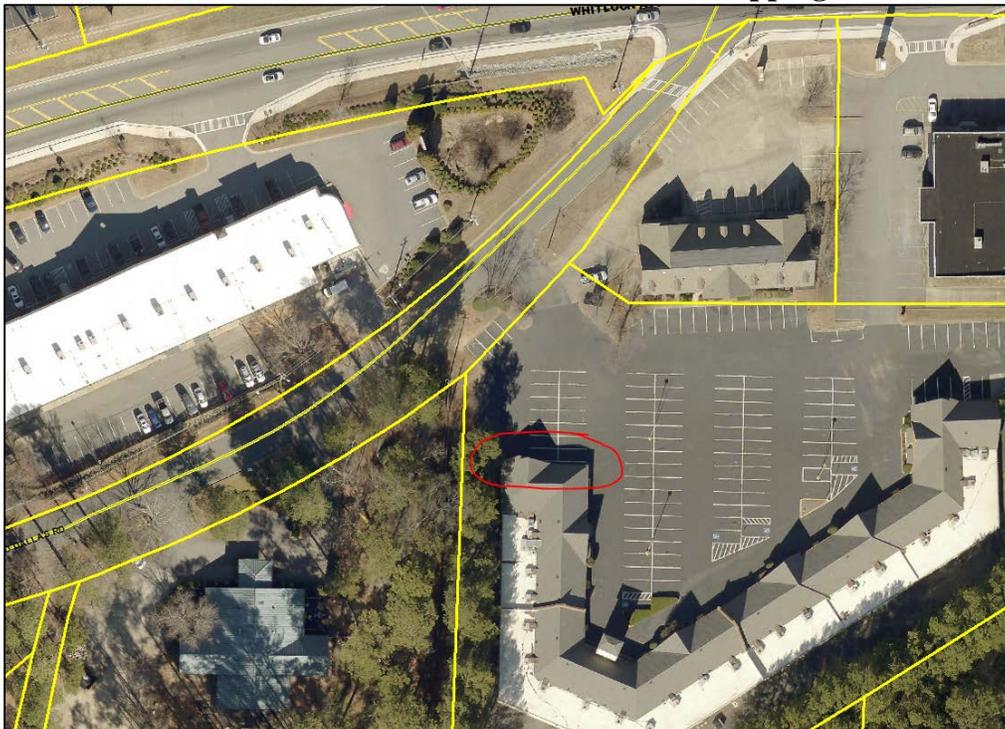
**999 Whitlock Ave Suite 1 – Northwestern side of shopping center**



**Subject property and neighboring property**



**999 Whitlock Avenue – Southeastern side of shopping center**



---

## STAFF ANALYSIS

### *Location Compatibility*

Ashley Peckich is requesting an additional allowable use for Suite 1 of 999 Whitlock Avenue, which is zoned NRC (Neighborhood Retail Commercial), for an indoor dog kennel. The property contains a shopping center (Clocktower Village) with approximately sixteen (16) different suites. East of the property is an apartment complex zoned PRD-MF (Planned Residential Development – Multifamily). A townhome community, zoned RA-8, is located to the south and a (child) daycare is located immediately to the west and also zoned NRC. The particular suite in question, Suite 1, is the northern end unit of the western arm of the shopping center.

### *Use Potential and Impacts*

The applicant currently runs a pet grooming and daycare business, allowable under NRC with floor areas under 10,000 square feet, at this location. To provide additional services and expand her business, the applicant wishes to provide overnight kennel services. The CRC (Community Retail Commercial) zoning district allows animal hospitals, kennels clinics under the following conditions:

- a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
- b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.

The applicant's kennels will be located indoors and the only outdoor area used by the dogs is a small, fenced in area on the west side of the building. She anticipates keeping no more than twenty (20) dogs during the day and no more than eight (8) dogs at night, as there are only 8 kennels indoors. The nearest property to the fenced area is the daycare to the west; there is quite a bit of existing vegetation between these two properties that serves as a visual and noise barrier. As long as the dogs are not left outdoors unsupervised and the area is kept clean, this use should not have any detrimental impact on the adjacent community.

The future land use of this property is NAC (Neighborhood Activity Center), which is intended to provide for the immediate needs of neighborhood residents and businesses and should be small in scale, with buildings 10,000 square feet or less. The requested zoning, NRC with an additional use, is compatible with the future land use of this property.

*Environmental Impacts*

This request should cause no environmental impacts, as the activities will mostly be isolated indoors, and there is no proposed exterior modifications. Staff suggests a stipulation requiring animal waste within the small outdoor area to be cleaned by the employees regularly.

*Economic Functionality*

This shopping center does not appear to be functioning at full capacity based on a site visit and occupational license records. The limited visibility from Whitlock Avenue makes the shopping center less desirable for retail stores that rely on impulse or convenience-oriented customers. It is better suited for professional offices that would act as a buffer between the residential and commercial areas.

*Infrastructure*

This proposed use should have no adverse impact on the transportation, education, water, sewer, electricity, or other public infrastructure in the area.

*History of Property*

There is no history of any Special Land Use Permits or rezonings for this parcel. In September 1995, the Board of Zoning Appeals granted a special exception (V-95050) to allow an existing dental laboratory relocate to another suite on the same property.



## ANALYSIS & CONCLUSION

Ashley Peckich is requesting an additional use for Suite 1 of 999 Whitlock Avenue, which is zoned NRC, for an indoor dog kennel. The subject property, Clocktower Village, contains approximately sixteen (16) different suites and is not fully occupied. East of the property is an apartment complex zoned PRD-MF. A townhome community, zoned RA-8, is located to the south and a (child) daycare is located immediately to the west and also zoned NRC. The particular suite in question, Suite 1, is the northern end unit of the western arm of the shopping center.

The applicant currently runs a pet grooming and daycare business, allowable under NRC with floor areas under 10,000 square feet, at this location. To provide additional services and expand her business, the applicant wishes to provide overnight kennel services. She anticipates keeping no more than twenty (20) dogs during the day and no more than eight (8) dogs at night, as there are only 8 kennels indoors. The applicant's kennels will be located indoors and the only outdoor area used by the dogs is a small, fenced-in area on the west side of the building. The nearest property to the fenced area is the daycare to the west; and there is quite a bit of existing vegetation between these two properties that serves as a visual and noise barrier. With the following stipulations, this use should not have any detrimental impact on the adjacent community:

1. Animals are not to be left outdoors unsupervised
2. Animal waste within the small outdoor area to be cleaned by the employees regularly.

The future land use of this property is NAC (Neighborhood Activity Center), which is intended to provide the immediate needs of neighborhood residents and businesses and should be small in scale, with buildings 10,000 square feet or less. The requested zoning, NRC with an additional use, is compatible with the future land use of this property.

Prepared by: Ashley Winkles

Approved by: Rusty Rall



---

## DATA APPENDIX

### *CITY OF MARIETTA - WATER*

---

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	--
Size of the water line?	8"
Capacity of the water line?	Variable based on condition of main
Approximate water usage by proposed use?	Same as current usage

---

### *CITY OF MARIETTA - SEWER*

---

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	--
Size of the sewer line?	10"
Capacity of the sewer line?	Variable
Estimated waste generated by proposed development?	Same as current usage
Treatment Plant Name?	South Cobb WRF
Treatment Plant Capacity?	Cobb Water must confirm
Future Plant Availability?	Cobb Water must confirm

---




---

## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

---

Does flood plain exist on the property?	No
What percentage of the property is in a floodplain?	N/A
What is the drainage basin for the property?	Ward Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	N/A
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are the storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

### ***TRANSPORTATION***

---

What is the road effected by the proposed change?	Whitlock Ave; Old Dallas Rd
What is the classification of the road?	Arterial; Local
What is the traffic count for the road?	N/A
Estimated number of cars generated by the proposed development?	N/A
Estimated number of trips generated by the proposed development?	N/A
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	No
If yes, what are they?	N/A



---

## DATA APPENDIX CONTINUED

### *EMERGENCY SERVICES*

---

Nearest city or county fire station from the development?	Station 53 1050 Westborough Dr
Distance of the nearest station?	0.5 miles
Most likely station for 1 <sup>st</sup> response?	Station 53 1050 Westborough Dr
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

### *MARIETTA POWER - ELECTRICAL*

---

Does Marietta Power serve this site?      Yes   X                        No           

If not, can this site be served?              Yes                                 No           

What special conditions would be involved in serving this site?

Additional comments:



Department of Development Services  
 205 Lawrence Street  
 Marietta, Georgia 30060  
 Phone (770) 794-5440  
 Brian Binzer, AICP, Director

## APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)

*For Office Use Only:*

Application #: 22016-10      Legistar #: 20160368      PZ #: 16-178  
 Planning Commission Hearing: 6-1-16      City Council Hearing: 6-8-16

Owner's Name IPTV @ C12 LLC      Email Address: SKryeger@riverwoodproperties.com  
 Mailing Address 8401 N. Central Expressway Ste 910 Dallas, TX      Zip Code: 75225      Telephone Number 770-966-7676

**COMPLETE ONLY IF APPLICANT IS NOT OWNER:**

Applicant: Ashley Peckich  
 Mailing Address 319 Atlanta St Unit 301      Zip Code: 30060  
 Telephone Number 678-390-2524      Email Address: mariettadoggydaycare@gmail.com

Address of property to be rezoned: 999 Whitlock Ave Ste 1 Marietta GA 30064  
 Land Lot (s) 12250      District 16      Parcel 1410      Acreage 3.28      Ward 3A      Future Land Use: NAC  
 Present Zoning Classification: NRC      Proposed Zoning Classification: NRL-ERT (MP) 708.16 <sup>add'l use</sup> <sub>(Special Zoning) exception</sub>

**REQUIRED INFORMATION**

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk. The original application must be submitted with ALL original signatures - Copies of the application or signature(s) will NOT be accepted.**
2. Legal Description. **Legal description must be in a WORD DOCUMENT.**
3. Application fee (\$500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Plat/survey showing the dimensions, acreage, location of the tract(s) and utility easements prepared by an architect, engineer (P.E. or Civil Engineer), landscape architect or land surveyor whose state registration is current and valid and whose seal shall be affixed to the plat/survey.
  - Site plan: One copy scaled to an 8 1/2" X 11" size, plus 25 copies, if larger than 11" x 17", drawn to scale prepared by an architect, engineer, (P.E. or Civil Engineer), whose state registration is current and valid, showing the following:
    - Specific use or uses proposed for the site
    - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
    - Detention/retention areas
    - Public or private street(s) - right of way and roadway widths, approximate grades
    - Location and size of parking area with proposed ingress and egress
    - Specific types and dimensions of protective measures, such as buffers
    - Landscaping
    - Wetlands and 100 year floodplain
7. A detailed written description of the proposed development / project must be submitted with the rezoning application.

## **Seeking special zoning exception for allowance of kennel usage after closing at 999 Whitlock Ave Ste 1 Marietta, GA 30064, currently operating as Marietta Doggy Daycare**

Marietta Doggy Daycare currently has an occupational certificate to operate as a “doggy daycare, doggy training and dog grooming” in a 708.15 NRC Neighborhood Retail Commercial zoning area.

We are seeking to allow dogs to be boarded in the evening (indoor kenneling only) keeping the zoning **NRC 708.15** Neighborhood Retail Commercial zoning, but allow kennel usage after hours.

**NO proposed additions, modifications or construction within the referenced property lines of tracts are being requested. Kennels currently exist and are indoor only. We need permission to use the facility after hours. Animals are not walked even during the day, as the evening animals will use the same small gated area already in use during the day. It is the strict policy of Marietta Doggy Daycare for immediate clean of the outdoor area.**

**Please note that there are no neighborhoods near Ste 1, the only suite seeking the special exception. Ste 1 is surrounded by commercial businesses, all closed late hours, rendering them unaffected by night time kenneling.**

We seek the special exception, as Marietta Doggy daycare is the only “unleashed Doggy Daycare” in the area. Many pet owners in the community prefer to board their pets at a place where the dog is not in a kennel or run alone until the owner returns. Marietta Doggy Daycare allows dogs to play and enjoy other dogs during their stay in an unleashed environment. During nights, we would like to kennel the dogs individually while they sleep in already existing kennels. (We believe unleashed is a better, more satisfying alternative for dog boarding.) The exception would save many in the community driving much greater distances to board at an unleashed facility relieving traffic for everyone.

Therefore it is our community’s desire for unleashed boarding, why we ask for the exception. Marietta Doggy Daycare believes this will benefit the community as a well needed service.

Closet Doggy Daycare’s with an unleashed policy/ to Marietta Doggy Daycare are;

1. Bow Wags 1697 Powder Springs RD SW Marietta, GA 30064 (6.8, 7.2, 7.9 miles apart depending on route preference)
2. Atlanta Pet Resort 1361 Bells Ferry Rd Marietta GA 30066 (4.1,4.2,4.9 miles apart depending on route)
3. Pet Play Place 2687-C McCollum Pkwy NW Kennesaw, GA 30144 (7.1,7.3,8.4 miles apart depending on route)
4. Must Love Dogs Doggie Daycare 4225 JVL Industrial Park Dr Marietta, GA 30066 (10.4,11.8, 12.4 miles apart depending on route)

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN AD DATE: May 13, 2016**

**PUBLIC NOTICE OF REZONINGS, CODE AMENDMENT, AND VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Wednesday, June 1, 2016, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, June 8, 2016, 7:00 p.m.**, City Hall, for a final decision to be made.

**Z2016-10 [REZONING] ASHLEY PECKICH** is requesting the rezoning of 3.28 acres located in Land Lot 1225, District 16, Parcel 1410 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as 999 Whitlock Avenue Suite 1 from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use for indoor dog boarding. Ward 3A.

A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

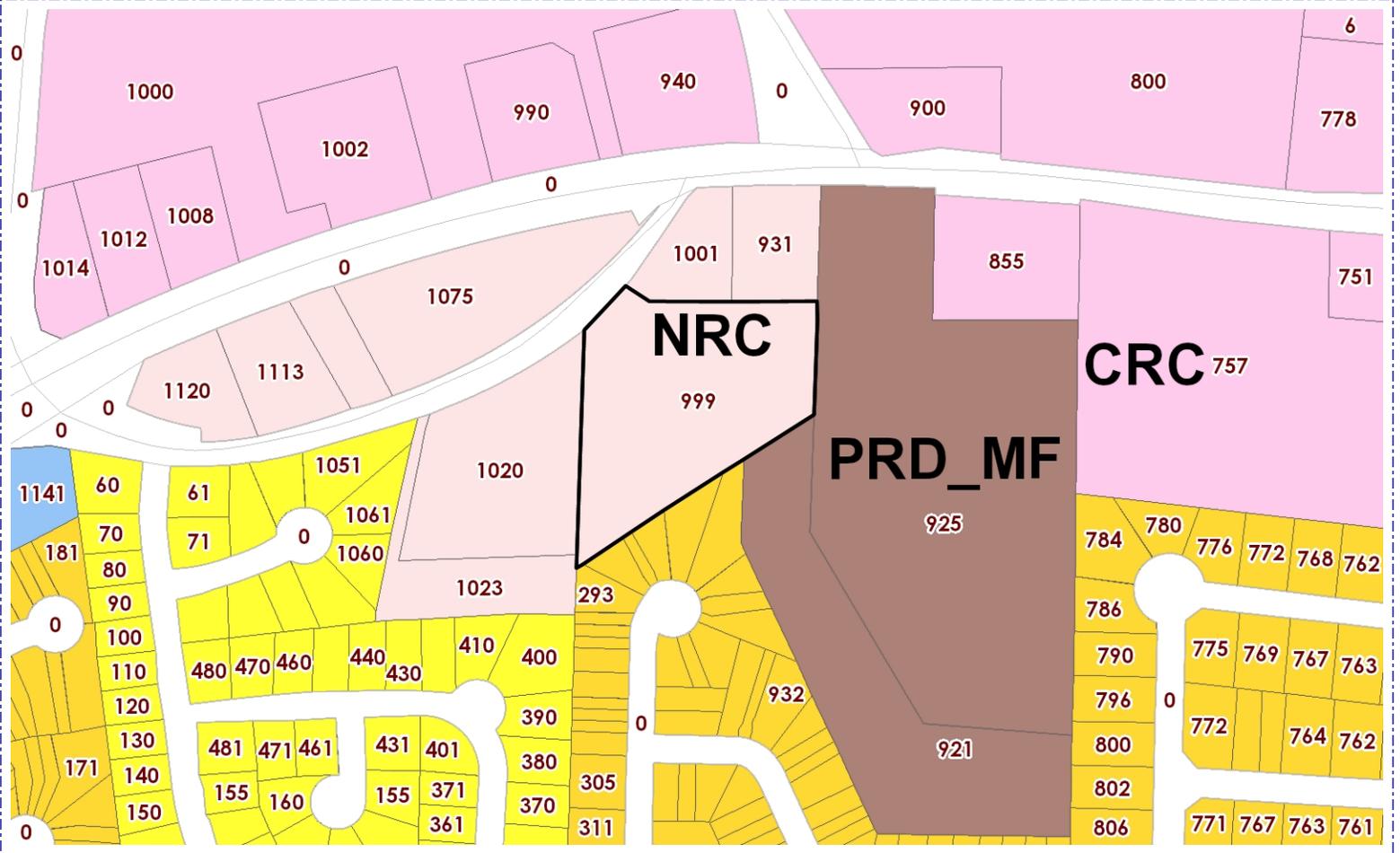
For additional information please call the Planning and Zoning Office (770) 794-5669.

**Accessibility to Meetings:** If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060



# Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
999 WHITLOCK AVE	16122501410	3.052	3A	NRC	NAC

Property Owner:	IPTV B C12, LLC
Applicant:	ASHley Peckich
Proposed Zoning:	NRC w/Add'l Use
Agent:	
Proposed Use:	
Planning Commission Date:	06/01/2016
City Council Hearing Date:	06/08/2016
Case Number:	Z2016-10

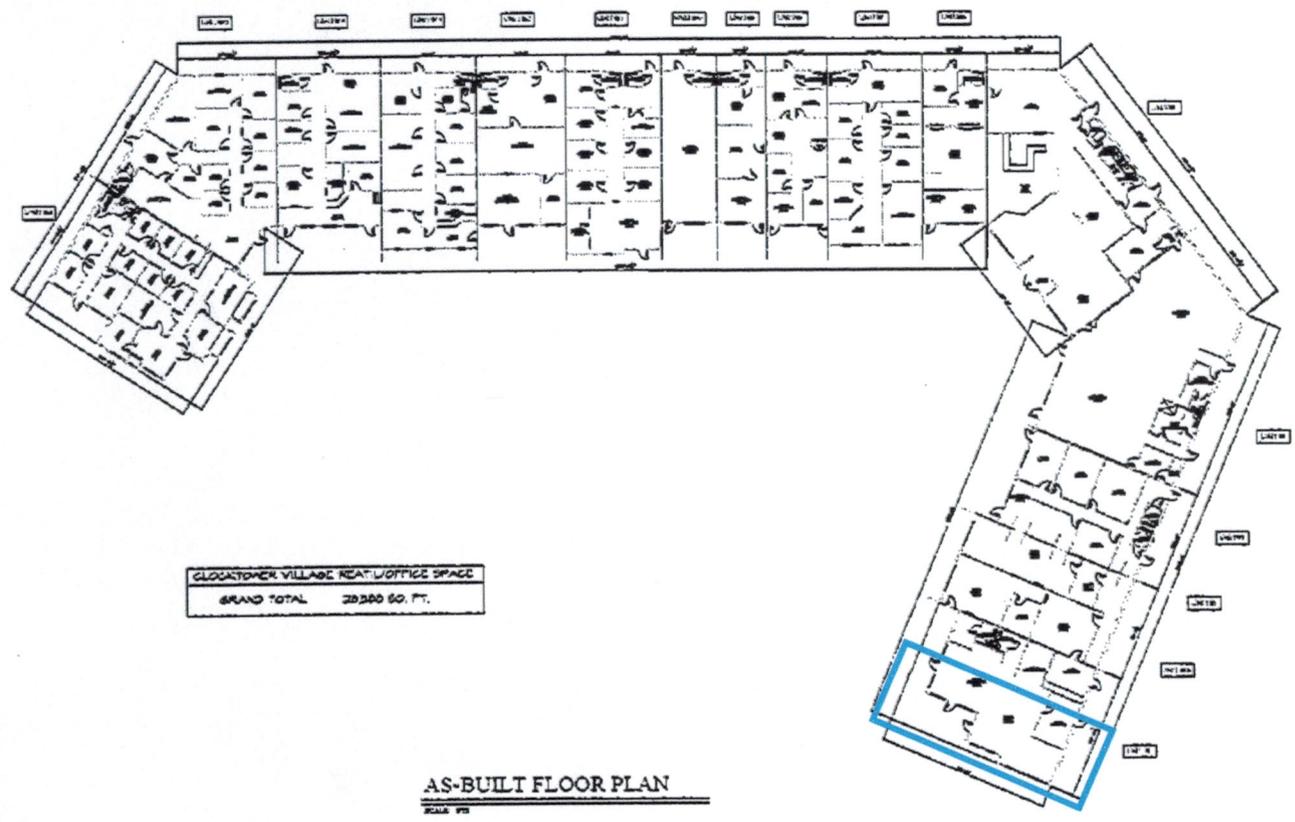
**Zoning Symbols**

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Mobile Home Park
- PRD-SF - Planned Residential Dev. Single Family
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

City of Marietta Planning & Zoning

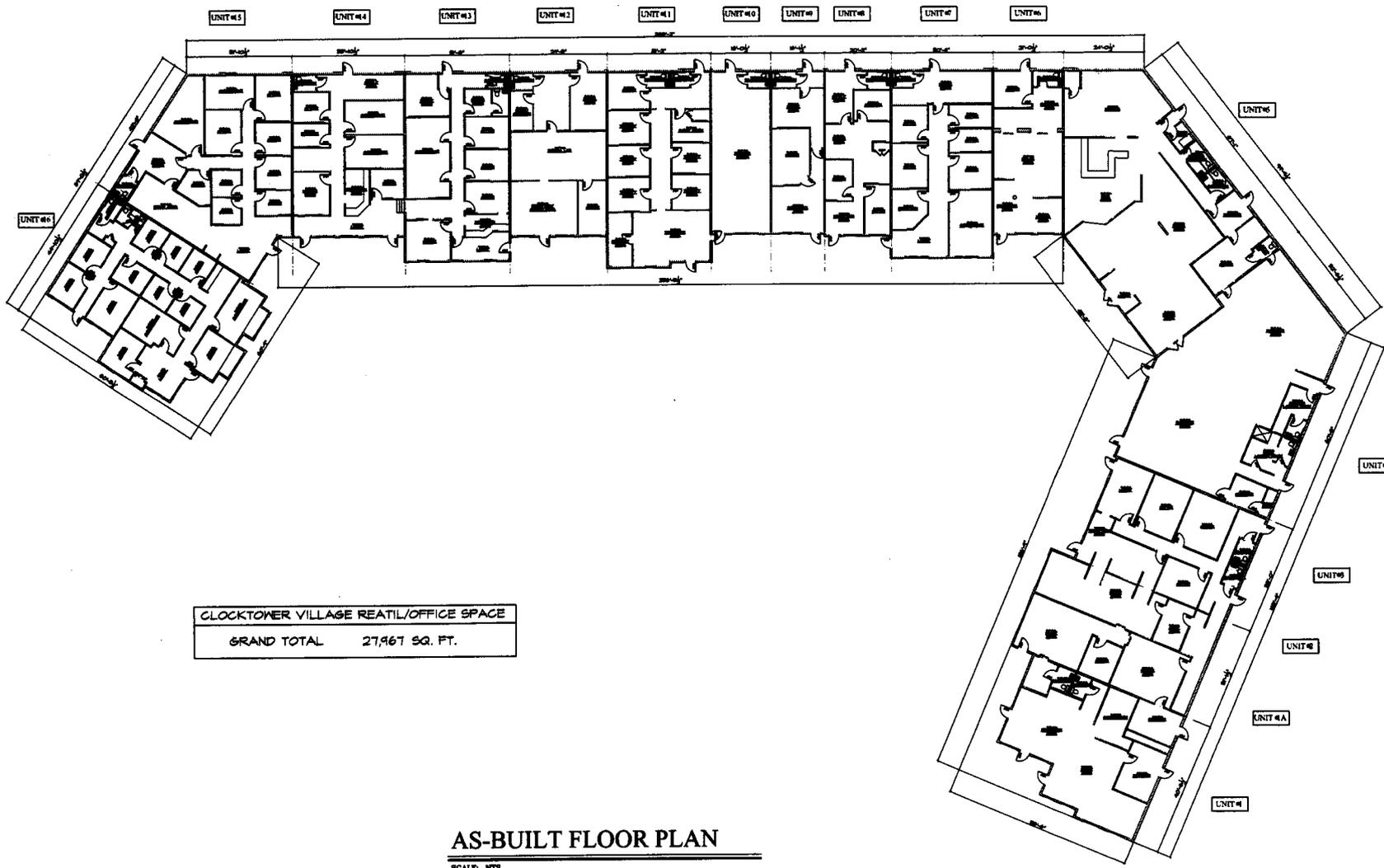
999 Whitlock Rd Marietta GA 30064

Site Plan



CLOCKTOWER VILLAGE REAR OFFICE SPACE	
GRAND TOTAL	20,200 SQ. FT.

AS-BUILT FLOOR PLAN  
SCALE: 1/8" = 1'-0"



CLOCKTOWER VILLAGE REATIL/OFFICE SPACE	
GRAND TOTAL	27,967 SQ. FT.

**AS-BUILT FLOOR PLAN**

SCALE: NTS

**GLASSRATNER**  
 Advisory & Capital Group

3391 Peachtree Rd. Ste.#110  
 Atlanta, GA 30326

MODEL NAME  
**CLOCKTOWER VILLAGE**

999 WHITLOCK AVE. SW  
 UNITS #1 THRU 16  
 MARIETTA, GA 30064

AS-BUILT  
 FLOOR  
 PLAN

DATE PLOTTED	BY
08/12/10	
SCALE	
NTS	

A-21