

Council Meeting Staff Report

September 28, 2016

Agenda No.: B.

Indexes (Council Goals):

Presenters:

Legislative File: 8625-16

Title

Case No. SUP-2016-0007: The petitioners are requesting approval of a Special Use Permit to operate a kennel. The subject property is located at 127 East Gate Drive, Suite #114, Los Alamos, and is zoned M-2 (Heavy Industrial). The subject property is located in the East Gate Park subdivision, Block 03, Lot TR1.

Property Owners

Robert Hand

Applicant

Ruth Scott

Case Manager

Anders Millmann, Senior Planner

Recommended Action

I Move to Approve Case No. SUP-2016-0007, a Special Use Permit to allow for the operation of a Kennel, located at 127 East Gate Drive, Suite #114, Los Alamos, for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following conditions:

1. The applicant shall apply for and receive a Certificate of Occupancy prior to operating the business.
2. The applicant shall obtain a new or modified business license prior to operating the kennel.
3. Any additional signage shall be reviewed and approved separately by the Community Development Department.
4. All proposed drains inside the building shall drain into the sanitary sewer and not into the storm sewer.

CASE SUMMARY

This request is for approval of a Special Use Permit (SUP) to allow for the operation of an overnight kennel. The petitioner currently operates a dog day care business from the subject property. This land use was approved in 2015 via a Special Use Permit [Case No. 15-SUP-003].

The subject property contains 57,164 Ft² of land (1.31± acre), and is zoned M-2, a heavy manufacturing district. The land use proposed is allowed as a Special Use. The principal structure on the property to be utilized for the proposed expanded business contains approximately 5,200 Ft² of area under roof, per story. There are two stories in this portion of the structure. A single-story structure, also containing approximately 5,200 Ft² of area under roof that is attached to this structure to the east is utilized by Hand Precision Machining. This portion of the structure will not be utilized by any aspect of the "LA Dog House" business as a result of obtaining this Special Use Permit.

There are four existing office-oriented commercial businesses currently occupying the second floor of this structure. Three of the businesses will remain within this structure for the foreseeable future. None of these business uses generate much foot or vehicular traffic. A fourth business owner plans to retire within a few years and vacate the office space. This business also does not attract a heavy volume of either foot or vehicular traffic. The office space occupied by this tenant will be made available for another small expansion of the petitioner's business at that time.

The petitioner proposes several modifications to the existing building in order to accommodate her proposed long-range business expansion plans. These modifications are anticipated to occur

incrementally over time. At present, approximately one-half of the lower floor is being utilized to house the existing dog day care business. The petitioner proposes to expand the business across the entire first floor of the two-story structure, and into approximately two-thirds of the total area contained within the second floor. Some modifications, such as remodeling former office space, and constructing a range of kenneling facilities, is contemplated as the petitioner implements her long-range business plans. Ultimately, the petitioner proposes to kennel (house) both dogs and cats overnight within a variety of settings, depending on the number of animals and the sociability of each individual animal.

Additionally, there is an enclosed outdoor exercise area containing approximately 550 Ft² of area, located at the northern end of the two-story structure.

The parking lot servicing the combined structure contains 65 parking spaces. By its nature, the proposed land use is not expected to increase demand for additional long-term parking. The business currently employs three individuals. Traffic this business will generate will occur principally at both ends of a typical working day, and be of a very short-duration; when pet owners drop off and retrieve their pets. Another time period when an increase in vehicular traffic may occur will be on Friday and Sunday evenings, as pet owners opt to kennel their pets during the weekend.

The petitioner's long-range business plans include the potential purchase of the structure.

The petitioner obtained a Special Use Permit in February 2015 to operate the doggy daycare business. At that time, the overnight kenneling of animals was not a use permitted either by right or via Special Use. The Land Use Tables (§16-287) have since been amended to include this type of land use as being permitted, subject to securing a Special Use Permit.

Staff has not received any comments or concerns from the public as of Friday, September 23, 2016.

SPECIAL USE PERMIT REVIEW CRITERIA

Section 16-156 of the Development Code states: During the time of the review, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission, and the planning and zoning commission shall utilize the following criteria in making its determination of approval, conditional approval or denial.

(1) The request substantially conforms to the Comprehensive Plan, and the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of such proposed use, or be detrimental or injurious to property or to the value of property in the vicinity, or to the general welfare of the county.

Applicant Response: LA Dog House, LLC, is requesting a Special Use Permit to be issued by Los Alamos County for overnight boarding of canines at 127 East Gate Drive. LA Dog House is expanding operations and has acquired the bottom floor of the Eastgate Business Complex as well as some upstairs suites. We've expanded operations because of day care growth and are finding that we need to provide overnight boarding services as well.

Our community and surrounding communities are asking for overnight boarding services because our town only has two options for overnight boarding. This will be an excellent service to offer to our community, our clients are actually begging for this service, some clients have to take their pets off the hill to be boarded because the boarding services in town are booked six to nine months in advance and our clients find it difficult to find a convenient and professional boarding facility for their pets.

LA Dog House is in its 17th month of operation and already has provided our community with

outstanding service for clients. Our growth is exploding giving us the opportunity to not only provide excellent services but to provide jobs in our community as well.

We look forward to continuing to please our clients by caring for their much-loved family pet members, expanding services that are being asked for, and providing jobs to community residents.

Staff Comment: The proposed use is permitted in the M-2 district, subject to Planning and Zoning Commission review and approval as a Special Use Permit.

(2) There are sufficient parking facilities that are adequately designed, shielded, landscaped and lighted to serve the use applied for based on the requirements of this chapter as found in article IX of this chapter.

Applicant Response: No changes to parking.

Staff Comment: The site currently has five dedicated off-street parking spaces dedicated to serve this business. There are a total of 65 off-street parking spaces serving the entire development, which consists of six business enterprises, including Hand Precision Machinery and the petitioners'. Five off-street parking spaces meets the minimum number of required off-street parking spaces for this land use, as specified in §16-370 (a) of the Development Code.

(3) The provisions for on-site and off-site ingress/egress and traffic circulation are in conformance with the County's construction standards, that the public streets serving the use applied for are adequate to meet the traffic needs of the proposed use and that the proposed use will not adversely affect neighboring properties by virtue of the type of traffic generated by the use.

Applicant Response: No changes to ingress/egress.

Staff Comment: The business activity will occupy a lease space within an existing building. It is not anticipated that there will be additional traffic generated beyond what the existing infrastructure can accommodate. The Fire Department has determined that the existing access to the site and the building is adequate. Evidence of adequate parking to serve the proposed land use has been satisfied by the applicant.

(4) The setbacks of buildings and parking facilities from the property lines, right-of-way, and adjacent land uses are in conformance with this chapter and provide protection to and a transition from residential development, existing and contemplated in the vicinity; and that the height and bulk of the proposed buildings and structures are compatible with the general character of development in the vicinity of the use applied for.

Applicant Response: No changes.

Staff Comment: No new structures or parking facilities are being proposed. The site is already developed. Proposed future modifications will consist entirely of interior remodeling work and will not increase the footprint of the structure.

(5) The site plan, including but not limited to landscaping, screen planting, and fencing of the proposed development, demonstrates that the site development will be compatible with adjoining areas and will conform to the site development standards of the district regulations.

Applicant Response: No changes.

Staff Comment: No site plans will be required to be submitted by the applicant, as the site is already developed. Building plans shall be prepared and submitted for review as the petitioner implements her business expansion plans as they occur.

FINDINGS OF FACT

1. Notice of this public hearing, setting forth the nature of the request, the specific parcel of property affected, and the date, time and place of the public hearing, was announced and published in The Los Alamos Monitor, and property owners of real property located within 100 yards of the subject property were notified of this public hearing, all in accordance with the requirements of §16-192 of the Los Alamos Development Code.
2. The request is for a Special Use Permit to operate an overnight pet kenneling business to be located in an existing structure.
3. The subject property is developed, including a structure, landscaping, fencing, and related parking facilities.
4. The business proposed to be operated from the suite within the existing structure is permitted within the M-2 zoning district, subject to securing a Special Use Permit.
5. Upon review by the IDRC, the petition was unanimously recommended for approval.
6. The Use Index Table [Section 16-287] was amended in late 2014 to permit overnight kenneling in the C-2, M-1 and M-2 zoning districts.

INTERDEPARTMENTAL REVIEW COMMITTEE RECOMMENDATION

Staff review has determined that the application meets the criteria for processing of a Special Use Permit. IDRC review of the SUP application took place on September 2, 2016. After reviewing and determining that the petition did not present any negative aspects or impacts that would preclude it from being forwarded to the Planning and Zoning Commission for a public hearing, the IDRC membership conduct a vote and forward a favorable recommendation to the Planning & Zoning Commission.

ALTERNATE MOTION

I move to **deny** Case No. SUP-2016-0007, a Special Use Permit to allow for the operation of an Overnight Kennel, located at 127 East Gate Drive, Suite #114, Los Alamos, due the proposal failing to meet the Los Alamos County Code of Ordinances, Chapter 16 - Development Code review criteria in §16-156, for the following reasons:

1. ...

EXHIBITS

- Exhibit 1: Vicinity Map/Aerial Photo of the Subject Property
- Exhibit 2: Application, narrative and applicant letter
- Exhibit 3: Internal Floor Plan for proposed business and Letter from Building Owner
- Exhibit 4: Map and List of Property Owners within 100 Yards (300 Feet)
- Exhibit 5: Photographs of Subject Property; Staff (8)