



MILPITAS PLANNING COMMISSION STAFF REPORT

March 23, 2016

APPLICATION: Cooperhaus K9 Kennel – 1498 Gladding Court – P-UP15-0017
- A Conditional Use Permit to allow for a commercial kennel service in a former industrial building of 15,677 sq. ft., now zoned R5 (Urban Residential). This project is categorically exempt from further CEQA review pursuant to both Section 15301 (Existing Facilities) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission adopt Resolution No. 16-009 approving Conditional Use Permit No. P-UP15-0017 to allow for a kennel service in a former 15,677 sq. ft. industrial building, zoned R5, subject to the conditions of approval.

LOCATION:
Address/APN: 1498 Gladding Court (APN 92-08-055)
Area of City: Milpitas Transit Specific Plan Area - Southerly side of Montague Expressway at Gladding Court

PEOPLE:
Project Applicant: Brent Cooper
Property/Business Owner: Golden Valley Investment, LLC
Project Planner: Michael Fossati, Senior Planner

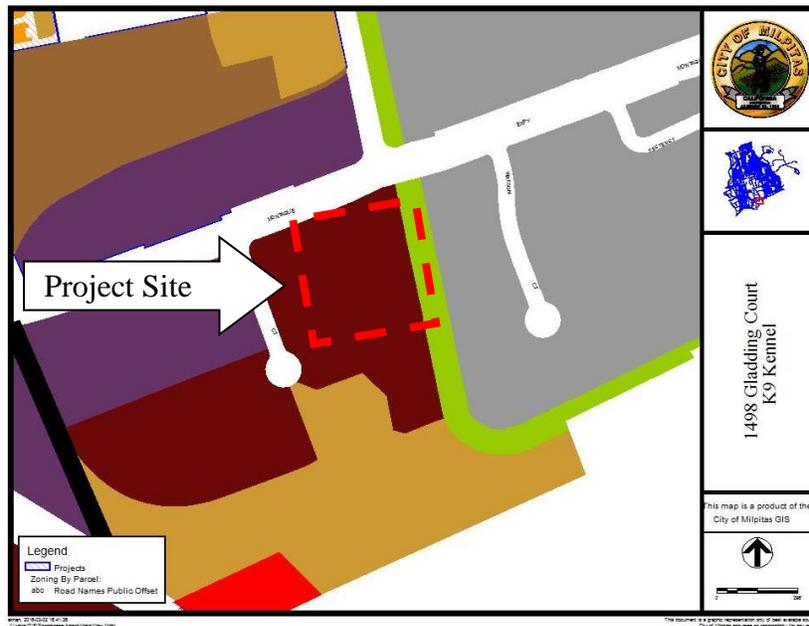
LAND USE:
General Plan Designation: Urban Residential (URR) 41-75 units per gross acre
Zoning District: Urban Residential (R5) Zone
Overlay District: Transit Oriented Development Overlay (TOD)

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to both Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

The applicant is requesting a Conditional Use Permit to remodel a vacant industrial building into a commercial dog kennel service. A Conditional Use Permit is required because Milpitas Municipal Code Section XI-10-4.03(B) states that an approved conditional use permit review by the Planning Commission for a commercial service with a total gross floor area of more than 10,000 sq. ft. As proposed, the commercial dog kennel would be approximately 15,500 sq. ft. in size.

Map 1
Project Location



Aerial Photo



Photo 1
Building Location

PROJECT DESCRIPTION

Overview

On November 23, 2015, Brent Cooper, owner of Cooperhaus K9 Kennel, submitted an application to modify the existing use of an existing vacant industrial office building into a dog kennel. No additional floor area has been proposed for the existing building. The site would require only tenant improvements to modify the existing floor plan to create the following spaces:

- Two dog play areas
- Two dog training areas
- A multi-purpose dog room
- Dog kennels for up to 32 dogs
- Observation rooms
- Associated rooms for office, bathrooms, storage, food preparation, etc.

If approved, services would include overnight boarding for dogs, boarding and training, private and semi-private classes. All uses and services would be completed within the existing building. The exterior of the building would remain unchanged, with the exception of new signage, which would require a sign permit and reviewed at a later date.

The proposed business hours are 6:00am – 10:00pm, seven days a week, to allow for boarding drop-offs and pick-ups. There will be a minimum of one and a maximum of four employees at any one time on the facility premises, with one employee present from 10:00pm – 6:00am to manage and care for the dogs and the facility during later hours. The dogs would be kept in a single, contained kennel within the building. Food and water would be adequately available at all times and the animals would be allowed out of the kennels throughout the day in small groups to exercise in designated areas inside the building. The rooms designated as boarding rooms would be climate controlled.

Access to the kennel service would be via a private drive located off of Gladding Court, perpendicular to Montague Expressway. All project parking would be provided on-site. The existing shipping and receiving dock would be discontinued and off-limits for animal drop-off.

Location and Context

The .72 acre project site houses an approximately 15,000 sq. ft. vacant industrial building, formerly Lenthor Engineering. The site is bounded by Montague Expressway to the north, Gladding Court to the west, and the future BART station to the south and east. The building is directly surrounded by both industrial and commercial uses and well insulated from residential uses. The zoning map and location map of the subject site location are included on the previous page.

Table 1: Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject Site	Urban Residential (URR)	Urban Residential (R5)	Vacant Light Industrial Building
North	Urban Residential (URR)	Urban Residential (R5)	Light Industrial/Office
South	Urban Residential (URR)	Urban Residential (R5)	Industrial
East	Urban Residential (URR)	Urban Residential (R5)	Light Industrial/Retail
West	Urban Residential (URR)	Urban Residential (R5)	Light Industrial/Office

PROJECT ANALYSIS

General Plan and Zoning Conformance

General Plan

The project is consistent with the following guiding policies and implementing principles of the General Plan:

- 2.a.I-6 which allows the City to maintain a balanced economic base that can resist downturns in any one economic sector.
- 2.a.I-7 which allows the City to provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.

The applicant is proposing to provide an commercial service needed by urban residents within an existing vacant building, in an area that would not negatively impact the quality of life of residential communities, while create employment opportunities, unique services and quality partnerships with local businesses.

Zoning Ordinance

The project is consistent with the development standards set forth in the Zoning Ordinance. The project does not propose any addition of square footage to the building. Rather, the project will change the use from industrial office space to kennel space, with ancillary office areas. The setback requirements, Floor Area Ratio (FAR), and landscaping requirements remain the same. The nature of the project would actually decrease parking demand from the previous use in that the majority of space will be taken up as open space for the animals to exercise.

Milpitas Transit Area Specific Plan

The project is consistent with the Milpitas Transit Area Plan in that the new development shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels. The proposed use is completely enclosed in an existing building where noise impacts will not negatively impact neighboring property owners. Additionally, current neighboring uses are light industrial, where limited noise impacts are common in nature.

Access, Circulation and Parking

The kennel would be accessed via a private driveway perpendicular to Gladding Court. Gladding Court is accessed via Montague Expressway. Dogs would be brought from the owner’s car and escorted in through the front door. As previously stated, the existing shipping and receiving area would not be accessible for animal drop-off and pick up.

Parking

Table 2 demonstrates the project’s compliance with the Zoning Code parking standard per *Section XI-10-53 Off-Street Parking*

Table 2: Parking Summary

Uses	Parking ratio	Square footage	Required parking
<i>Kennel, indoor</i>	1/1000 gross floor area (GFA)	15,052 sq. ft.	16
Total Number of Parking Spaces Available			33

Per the analysis using the table above, the applicant is compliant with the number of parking spaces required.

FINDINGS

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57.04(F))

- a. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The proposed use of a commercial kennel service will not be detrimental or injurious to properties or improvements in the vicinity because the use is fully enclosed in an well insulated existing industrial building where noise, odors and other elements associated with kennel use will not negatively impact the public health, safety, and general welfare of neighboring properties or improvements in the vicinity.

- b. *The proposed use must be consistent with the Milpitas General Plan*

The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 3: General Plan Consistency

Policy	Consistency Finding
<i>2.a.I-6 – Endeavor to maintain a balanced</i>	Consistent. The project would provide a

Policy	Consistency Finding
<i>economic base that can resist downturns in any one economic sector.</i>	service that currently is limited within the city limits of the City of Milpitas.
<i>2.a.I-7 – Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.</i>	Consistent. The project would allow the opportunity for a local business to fulfill a need for the Milpitas community, while expanding employment opportunities and good will with the City.

c. The proposed use must be consistent with the Milpitas Zoning Ordinance.

The proposed use meets this finding because the applicant has followed the use permit process which allows commercial services to be located in residential zoning districts provided that the use meets the findings required for Conditional Use Permit approval. Furthermore, the project use will not increase the existing setback requirements, FAR, or landscape requirements currently in existence and compliant per City Code.

d. The proposed use must be consistent with the Milpitas Transit Area Specific Plan.

The table below outlines the project’s consistency with the goals and implementation policies of the Milpitas Transit Area Specific Plan.

Table 4: Milpitas Midtown Specific Plan Consistency

Policy	Consistency Finding
<i>Policy No. 5.10: New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels.</i>	Consistent. The proposed use will be completely enclosed and will not surpass the noise level requirements as set by the Milpitas General Plan.

ENVIRONMENTAL REVIEW

Categorically Exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) as the project consists of the minor alteration of existing private structures and features and involves negligible expansion of use, and Section 15332 (In-Fill Development Projects) as the project is consistent with the general plan designation, and all applicable general plan policies, as well as with applicable zoning designation and regulations; it is situated within City limits on a project site of no more than five acres substantially surrounded by urban uses; the site has no value as a habitat for endangered, rare, or threatened species; approval of the project will not result in any significant effects related to traffic, noise, air quality, or water quality; and the site is adequately served by all required utilities and public services.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there has been one inquiries from the public. The inquiry had concerns about potential noise and parking impacts. Staff informed the applicant of the concerns. The applicant replied directly to the concerned citizen, and per staff's understanding, the concern regarding noise and parking impacts are no longer an issue.

A notice was published in the Milpitas Post on March 11, 2016. In addition, 626 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CONCLUSION

In conclusion, the proposed project is consistent with the policies and guiding principles identified in the General Plan and satisfies the requirements specified in the City Code. The proposed use will contribute towards City's economic development goals and provide necessary public services to the community.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution 16-009 approving Conditional Use Permit Amendment No. UP15-0017 to allow a dog kennel service to be located at 1498 Gladding Court, subject to the findings and Conditions of Approval.

ATTACHMENTS

- A: Resolution 16-009
- B: Project Plans