

DATE: January 4, 2011

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2010-0083
Administrative Review for Change of Ownership
Site Use: Business and Professional Office
Applicant: MODCO, Inc. by Chris W. Small
Location: 5500 Homes Run Parkway
Zone: RC / High-Density Apartment Zone

Request

Special Use Permit #2010-0083 is a request to change ownership of an existing business and professional office from Real Estate Associates and Professional Real Estate Trust to MODCO, Inc. No changes to the operation are proposed and the use will continue as and business and professional office within a residential building. The main tenant and lessee is Arrowpoint Corporation, a division of MODCO, Inc., which offers business consultation services within a portion of the tenant space.

Other businesses sublease space from MODCO for business and professional office uses only. These tenants currently include telecommunication and health care consultants as well as glass replacement and home repair businesses. These businesses and their successors are included within this Special Use Permit request so long as no intensification of the office use occurs and so long as MODCO, Inc. remains the primary leaseholder for the entire tenant space.

Background

Business and professional office uses are allowed in the RC zone by Special Use Permit in multi-family buildings of at least four stories in height if: 1) the use is located on the first or lower floor and 2) the amount of office space is no greater than the area of the first or lower floor (Section 3-903(K)). The location and size of the use in the building, and the building itself, which is known as Place One Condominium, meet all of these criteria. Special Use Permits were approved for business and professional office uses in this space in the building in 1981 and again in 1984, when City Council granted SUP#1670 to Real Estate Associates and Professional Real Estate Trust. Two dentist's offices are also located on the ground level of the building.

On December 10, 2010 staff visited the subject property and found no violations of the conditions of Special Use Permit #1670. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

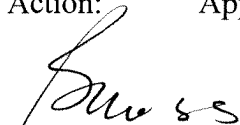
Staff Action

Staff does not object to the change of ownership request. The business and professional office use on the ground-level of this large residential condominium building is appropriate here. Such office uses have existed in this location for at least 30 years without any recorded complaints or violations. Staff is providing the applicant with additional flexibility with amended condition language. By including all current and future sublessees of the office space under this approval so long as the primary leaseholder remains MODCO, Inc., each small office use will not need to apply for separate SUP approval. Staff has also modified condition language to allow slightly longer hours of operation compared to previous approval. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 7, 2011

Action: Approved



Barbara Ross, Deputy Director

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2010-0083

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. **CONDITION AMENDED BY STAFF:** ~~That~~ The Special Use Permit shall be granted only to the applicant, its sublessees, or to any corporation in which the applicant has a controlling interest only. (P&CD) (P&Z) (SUP#1670)
2. **CONDITION AMENDED BY STAFF:** ~~That~~ The hours of operation shall be restricted to ~~9:00am~~ 8:00am to ~~5:30pm~~ 6:00pm Monday through Friday with occasional weekend/weeknight/holiday use as requested by the applicant. (P&CD) (P&Z) (SUP#1670)
3. **CONDITION ADDED BY STAFF:** Litter on site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
4. **CONDITION ADDED BY STAFF:** Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (P&Z)
5. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
6. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)