

City of Lee's Summit

Development Services Department

February 23, 2018

TO: Planning Commission
PREPARED BY: Jennifer Thompson, Planner
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager
RE: **PUBLIC HEARING – Application #PL2018-003 – SPECIAL USE PERMIT for in-home massage therapy – 1613 SE 2nd Terrace; Rona Schwarz, applicant**

Commentary

The applicant requests a special use permit to operate a massage therapy practice as a home occupation. The applicant is a licensed massage therapist that proposes to relocate her practice to her place of residence. The hours and days of operation will be between 10am and 7pm on Monday, Tuesday, Thursday, Friday, and Saturday, by appointment only. The applicant requests a special use permit be granted for a period of 10 years. Staff supports the requested time period.

Recommendation

Staff recommends **APPROVAL** of the special use permit, subject to the following:

1. The special use permit shall be granted for a period of 10 years.

Zoning and Land Use Information

Location: 1613 SE 2nd Terrace

Zoning: R-1 (Single-family Residential)

Surrounding Zoning and Use:

North (across SE 2nd Terrace and SE Winburn Trl): R-1 (Single-family Residential) – single family homes

South: R-1 (Single-family Residential) – single family homes

East (across SE Winburn Trl): R-1 (Single-family Residential) – single family homes

West: R-1 (Single-family Residential) – single family homes

Site Characteristics. The property is developed with a one-story, single-family residence with an attached two-car garage.

Description and Character of Surrounding Area. The surrounding area is developed as a single-family residential subdivision.

Project Information

Current Use: single-family residence

Proposed Use: massage therapy as a home occupation

Land area: 13,316 sq. ft. lot (0.3 acres)

Parking Spaces Provided: 2-car garage plus 4-car driveway capacity

Public Notification

Neighborhood meeting conducted: n/a

Newspaper notification published: February 10, 2018

Radius notices mailed to properties within 185 feet: February 8, 2018

Process

Procedure: The Planning Commission makes a recommendation to the City Council on the proposed special use permit. The City Council takes final action on the special use permit.

Duration of Validity: A special use permit shall be valid for a specific period of time if so stated in the permit.

Unified Development Ordinance

Applicable Section(s)	Description
10.020, 10.030, 10.040, 10.050, 10.400	Special Use Permit

Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
Economic Development	Objective 2.2

Background

- April 13, 1982 – The City issued a building permit (Building Permit #B82-79) for construction of a single-family residence.

Analysis of Special Use Permit

Conditions of Use for In-Home Massage Therapy

Section 10.400 of the UDO lists the following conditions that apply to massage therapy as a home occupation:

1. Massage therapy to be conducted as a home occupation where the therapy is to take place in the home of the licensed massage therapist shall meet all requirements of Chapter 28 Division 2 of the Code of Ordinances of the City of Lee's Summit. **The applicant will comply with all Code of Ordinance requirements.**
2. The massage facility shall be available for inspection in accordance with Chapter 28 Division 2 of the Code of Ordinances of the City of Lee's Summit. **The applicant will make the facility available for inspection in accordance with the Code of Ordinances.**
3. There shall be only one licensed massage therapist per address operating at the home. No more than one room shall be used for massage therapy and the appointment times shall be spaced out during the day to eliminate patients waiting for their massage therapy appointment. **The applicant, a licensed massage therapist, will be the only individual providing massage therapy at the home. Only one room will be used for massage therapy. The applicant schedules no more than 4 appointments throughout the course of the day.**

4. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. **Hours of operation will be 10am to 7pm on Monday, Tuesday, Thursday, Friday and Saturday.**

Time Period.

- Request – The applicant requests a 10 year time period.
- Recommendation – A total of three special use permits to provide massage therapy as a home occupation have been previously approved, with one currently pending City Council approval. The first permit was approved in 2007 for a period of 5 years. The most recent permits were approved in 2011 and 2017, each for a period of 10 years.

Address	Ordinance No.	Time Period	Approval	Expiration
244 NW Whitlock Dr	6457	5	8/2/2007	8/2/2012
523 SE 4 th St	7094	10	9/1/2011	9/1/2021
1508 SW 9 th St	8296	10	12/14/2017	12/14/2027
751 SW Old Pryor Rd	Pending approval	Staff recommends 10 years	Pending approval	Pending approval

The applicant has requested a 10 year time period. Staff recommends a 10 year time period to keep consistent with the most recently approved special use permits for in-home massage therapy.

Ordinance Criteria. The criteria enumerated in Article 10 were considered in analyzing this request.

- The property is currently zoned R-1. In-home massage therapy is allowed in the R-1 district with approval of a special use permit.
- No exterior changes to the residence or the property as a whole are proposed as part of the proposed home occupation, so the use will not negatively impact the aesthetics of the property or adjoining properties.
- The development of the property will not impede the normal and orderly development of the surrounding properties. The subject property is located within a standard single-family residential subdivision.
- The potential traffic impact of the proposed home occupation on the existing street network is expected to be negligible. The applicant schedules no more than 4 appointments throughout the course of the day.

Attachments:

1. Use Narrative provided by applicant, date stamped January 4, 2018 – 1 page
2. Special Use Permit Explanation, provided by applicant, date stamped January 4, 2018 – 1 page
3. Photos of Subject and Surrounding Properties, date stamped January 4, 2018 – 5 pages
4. Special Use Permit Criteria -1 page
5. Special Use Permit Criteria response, provided by applicant, date stamped January 4, 2018 – 1 page
6. City Business License – 1 page
7. Massage Therapy licenses – 3 pages

8. Location Map