

# SPECIAL USE PERMIT CRITERIA

## **UDO Section 10.050. Standards for Approval**

- A. Special uses may be approved by action of the Governing Body after recommendation from the Commission using the procedures set forth in Section 4. Special uses may be approved with conditions including, but not limited to:
- requirements for special yards, open spaces, buffers, fences, walls, and screening;
  - the installation of landscaping and maintenance;
  - provisions for erosion control;
  - requirements for street improvements, dedications, limitations on ingress and egress movements into and out of the site, and traffic circulation;
  - limitation on signage;
  - limitation on hours of operation and other characteristics of operation;
  - conditions specifically listed under the individual special use; and
  - other conditions deemed necessary to insure compatibility with surrounding land uses.
- B. In considering any application for a special use permit, the Commission and Governing Body may give consideration to the criteria listed below, to the extent they are pertinent to the particular application:
1. Character of the neighborhood;
  2. Compatibility with adjacent property uses and zoning;
  3. Suitability of the property for which the special use is being requested;
  4. Extent to which the proposed use will negatively impact the aesthetics of the property and adjoining properties;
  5. Extent to which the proposed use will injure the appropriate use of, or detrimentally affect, neighboring property;
  6. Impact on the street system to handle traffic and/or parking;
  7. Impact of additional storm water runoff to the existing system or to the water shed area if no storm sewer is available;
  8. Impact of noise pollution or other environmental harm;
  9. Potential negative impact on neighborhood property values;
  10. Extent to which there is need of the proposed use in the community;
  11. Economic impact upon the community;
  12. Extent to which public facilities and services are available and adequate to satisfy the demand generated by the proposed use;
  13. Comparison of the benefit gained to the public health, safety and welfare of the community if approved versus the hardship imposed upon the landowner if the requested application is denied;
  14. Conformance to the UDO, and current city policies and ordinances;
  15. Recommendation of professional staff;
  16. Consistency with permitted uses in the area in which the special use is sought.

**1. Character of the neighborhood**

The sub-division was developed approximately 18 years ago. It is referred to as the "Longview Cedars" sub-division according to the City of Lee's Summit records. There are three (3) homes in this development. Each of the three (3) home / lots have approximately four (4) - five (5) acres. Each home is located within the City limits, but has secluded environments with wooded area.

The location is just on the East side of the bridge from Hartman Park.

**2. Compatibility with adjacent property uses and zoning.**

This is a residential location and according to the conversation on Monday, November 20th, that I had with the Planning Department, there should be no problems with the zoning since the office will be inside the premises.

**3. Suitability of the property for which the special use is being requested.**

The clients we will be working with will be walking directly into the office area where the services will be done. The space that I hope to reconstruct into an office (currently a garage in the basement of my home) should be sufficient and welcoming for the needs of the clients.

The maximum number of clients at this location will be a total of two (2) at a time.

**4. Extent to which the proposed use will negatively impact the aesthetics of the property and adjoining properties.**

There should be no negative impact of the property. I am wanting to turn the current basement garage into an office for my new office space. I have been a Professional Massage Therapist for 20 years in the City of Lee's Summit. Due to personal circumstances, I am needing to sell my current location of business and needing to downsize and save financially. By working in the lower level (currently the basement garage area) of my home, this will allow me to continue with our professions and help the clients we have established through the years.

The adjoining properties should have no negative impact with the changes I am proposing.

**5. Extent to which the proposed use will injure the appropriate use of, or detrimentally affect, neighboring property.**

The current property, nor the adjoining properties should not have any negative results with the proposed request. There is plenty of space between the neighboring homes and the traffic will be minimal due to the fact that we work on an appointment based schedule only.

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**6. Impact on the street system to handle traffic and/or parking.**

The traffic will be minimal, due to the fact that we will work only on an appointment based schedule. There will be two (2) cars maximum during the times of business.

There will be appropriate parking space for the clients to easily come and go from this property regardless of the weather.

**7. Impact of additional storm water runoff to the existing system or to the watershed area if no storm sewer is available.**

Currently a storm water runoff area is at the end of my drive. The city installed it approximately nine (9) years ago when the bridge was built on Pryor Road. Additional water run off should not be a foreseeable problem.

**8. Impact of noise pollution or other environmental harm.**

Noise will not be a problem, as there will be maximum of two (2) clients at a time in the office. No services will be done outside the proposed office.

**9. Potential negative impact on neighboring property values.**

Value of the adjoining neighborhood should not be affected, as the office I am proposing will only be inside the current location.

**10. Extent to which there is need of the proposed use in the community.**

Massage Therapy and Estheticians are well known through out the City of Lee's Summit. Our goal is to help each individual we work with to feel better and to be able to continue living their lives feeling better physically, with less discomfort and with more confidence in themselves.

**11. Economic impact upon the community.**

I have been a Professional Massage Therapist for twenty (20) years, and my daughter, Dawn Bown, has been a Professional Esthetician for twelve (12) years. We plan to continue paying our dues accordingly to keep our Professions in good standings with the City and the State.

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**12. Extent to which public facilities and services are available and adequate to satisfy the demand generated by the proposed use.**

There are a number of location the Massage and Esthetics services can be received within the City. However, we have built a steady and devoted clientele throughout the years. We do not foresee any decline with the move.

**13. Comparison of the benefit gained to the public health, safety and welfare of the community if approved versus the hardship imposed upon the landowner if the requested application is denied.**

The benefit gained to the public will be that people will continue to feel better physically and emotionally as many do after receiving a Professional Massage and/or Professional Facial. Therefore, better attitudes and feeling of well being around us.

The hardship for the landowner if denied. My husband, Dr. H. Vance Reed, D.C. practiced in the City of Lee's Summit for thirty-seven (37) years. My husband passed away September 21, 2017, and I am needing to sell our current office due to the lack of finances.

It will very possibly lose my home if I am not able generate an appropriate amount of money and I will be an unable to afford an additional office space. My husband and I designed and built this home seventeen (17) years ago. It has many memories and it is my humble abode. Losing my home in addition to all the losses I have endured will be very difficult on me financially and emotionally. Being able to work from the home will allow me to continue the work that I love (20 years) and not have the burden of trying to find a new home and/or office space.

**14. Conformance to the UDO and current city policies and ordinances.**

We will continue to follow all rules and regulations for the City and State regarding the Massage and Esthetics as we have through the past years of business. We have no desire to lose what we have worked so hard for.

**15. Recommendation of professional staff.**

I have no recommendations of professional staff. My husband and I were a team and answered our own phone through out the years of our practices and I will not have any staff working for me from this time forward.

Dawn Bown, will continue to answer her own phone and have no staff as well.

If there is a request for comments from current clientele, we have those who have offered to make statements on our behalf. Names cannot be provided at this point due to the HIPPA laws.

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**16. Consistency with permitted uses in the area in which the special use is sought.**

I understand that there has been an increase of Massage Therapist requesting in-home offices and the requests have been accepted by the City. As for the close proximity to my home address, I am not aware of any local in-home Massage Therapist or Esthetician near by.

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