

City of Lee's Summit

Development Services Department

January 19, 2018

TO: Planning Commission
PREPARED BY: Jennifer Thompson, Planner
CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services
RE: **PUBLIC HEARING – Application #PL2017-254 – SPECIAL USE PERMIT for in-home massage therapy – 751 SW Old Pryor Rd; Delane Reed, 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 with 20 years of experience that proposes to relocate her practice to her place of residence. The hours and days of operation will be between 9am and 7pm Monday through Friday and some Saturdays, by appointment only. In addition, a licensed esthetician will maintain an office within the premises maintaining similar hours. Home occupation regulations allow for up to one outside employee by right. The esthetician service does not require a special use permit. The maximum number of clients at this location will be a total of two at a time for the combined services.

The applicant requests a special use permit be granted for a period of 15 years. Staff supports a 10 year time period, keeping consistent with the most recent approved special use permits for in-home massage.

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: 751 SW Old Pryor Rd.

Zoning: R-1 (Single-family Residential)

Surrounding Zoning and Use:

North (across SW Old Pryor Rd): AG (Agricultural) – vacant ground

South: R-1 (Single-family Residential) – large lot residential

East: R-1 (Single-family Residential) – large lot residential

West (across SW Pryor Rd): AG (Agricultural) – Hartman Park

Site Characteristics. The property is developed with a ranch style single-family residence with an attached two-car garage and a basement one-car garage.

Description and Character of Surrounding Area. The surrounding area is developed with large lot, single-family residences.

Project Information

Current Use: single-family residence

Proposed Use: massage therapy and esthetician services as a home occupation

Land area: 171,189 sq. ft. lot (4 acres)

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

Public Notification

Neighborhood meeting conducted: n/a

Newspaper notification published: January 6, 2018

Radius notices mailed to properties within 185 feet: December 19, 2017

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

- November 9, 2000 – The City issued a building permit (Building Permit #B0001985) 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 clients so there is at least 30 minutes between appointments.**
4. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. **Hours of operation will be 9am to 7pm on Monday, Tuesday, Wednesday, Thursday, Friday and some Saturdays.**

Time Period.

- Request – The applicant requests a 15 year time period.
- Recommendation – A total of three special use permits to provide massage therapy as a home occupation have been previously approved. 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 |

The applicant has requested a 15 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 large-lot, single-family residential subdivision, consisting of four lots with each lot comprising approximately four to five acres.
- 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 5 appointments throughout the course of the day, with a minimum 30 minutes between appointments. In addition, a licensed esthetician will maintain an office within the premises maintaining similar hours. The maximum number of clients at this location will be a total of two at a time for the combined services. The property has sufficient driveway capacity to accommodate the combination of both services.

JJ/jmt

Attachments:

1. Use Narrative provided by Applicant, date stamped December 11, 2017 – 2 pages
2. Special Use Permit Explanation, provided by Applicant, date stamped December 11, 2017 – 2 pages
3. Photos of Subject and Surrounding Properties, date stamped December 11, 2017 – 9 pages
4. Floor plan for proposed interior renovation, date stamped December 11, 2017 – 1 page
5. Special Use Permit Criteria
6. Special Use Permit Criteria response, provided by applicant, date stamped December 11, 2017 – 4 pages
7. Letter of support from neighbor, date stamped January 17, 2018 – 1 page
8. City Business License – 1 page
9. Massage Therapy associated licenses – 3 pages
10. Location Map