

City of Lee's Summit

Development Services Department

November 10, 2017

TO: Planning Commission
PREPARED BY: Hector Soto, Jr., Current Planning Manager
CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services
RE: **PUBLIC HEARING – Application #PL2017-216 – SPECIAL USE PERMIT for in-home massage therapy – In Good Hands Therapeutic Massage, 1508 SW 9th St; Amy Abbott, 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 14 years of experience that proposes to relocate her practice to her place of residence. The hours and days of operation will be between 10am and 7pm on Tuesday, Wednesday, Friday and some Saturdays. 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: 1508 SW 9th St; generally located north of SW Longview Rd and east of SW Murray Rd

Zoning: R-1 (Single-family Residential)

Surrounding Zoning and Use:

North: R-1 – single-family residential

South (across SW 9th St): R-1 – single-family residential

East: R-1 – single-family residential

West: R-1 – single-family residential

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

Description and Character of Surrounding Area. The surrounding area is developed with single-family residential subdivisions.

Project Information

Current Use: single-family residence

Proposed Use: massage therapy as a home occupation

Land area: 9,562 sq. ft. lot (0.22 acres)

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

Public Notification

Neighborhood meeting conducted: n/a

Newspaper notification published: October 27, 2017

Radius notices mailed to properties within 185 feet: October 23, 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

- April 5, 1974 – The City issued a building permit (Building Permit #6210) 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 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 10am to 7pm on Tuesday, Wednesday, Friday and some Saturdays.**

Time Period.

- Request – The applicant requests a 10 year time period.
- Recommendation – Citywide, a total of two 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 second permit was approved in 2011 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

The applicant’s requested 10 year time period is consistent with the most recently approved special use permit. Staff supports the requested 10 year time period.

Ordinance Criteria. The criteria enumerated in Articles 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 in a full developed 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 5 appointments throughout the course of the day, with a minimum 30 minutes between appointments. The property also has sufficient driveway capacity to accommodate off-street parking for clients.

JJ/hsj

Attachments:

1. Use Narrative provided by Applicant, date stamped October 5, 2017
2. Copy of Original Plot Plan, dated April 3, 1974
3. Photos of Subject and Surrounding Properties, dated October 13, 2017 – 5 pages
4. Special Use Permit Criteria
5. Location Map