

RESOLUTION NO. 2015-09

RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT (CUP) FOR CARRIE THOMAS D/B/A ELITE MASSAGE THERAPY FOR A MASSAGE THERAPY ESTABLISHMENT IN ACCORDANCE WITH THE ZONING CODE OF THE CITY OF PACIFIC, MISSOURI.

ADDRESS: 501 WEST OSAGE, PACIFIC, MO 63069

NAME OF BUSINESS: CARRIE THOMAS D/B/A ELITE MASSAGE THERAPY

WHEREAS, The Zoning Code of the City of Pacific, Missouri sets forth the regulations concerning certain land uses which by their nature are, or may become, undesirable to adjacent property owners and:

WHEREAS, In various zoning district classifications, as set forth in the Zoning Code, certain uses are not permitted unless reviewed by the Planning and Zoning Commission and approved by the Board of Aldermen; such uses are considered "conditional uses" and:

WHEREAS, An application has been filed with the Zoning Officer requesting a conditional use permit for a Massage Therapy business. The application has been reviewed by the various Officers of the City and their reports have been presented to the Planning and Zoning Commission and;

WHEREAS, The Planning and Zoning Commission has conducted a public hearing on January 27, 2015 regarding the application, and after due consideration has recommended to the Board of Aldermen the approval of the application with a 7-0 vote in favor and:

WHEREAS, The Board of Aldermen accepts the written findings of the Planning and Zoning Commission as set forth in the Staff Report on file with the City Clerk and incorporated herein and as provided in Section 405.040 of the City Code.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, as follows:

SECTION 1. The Board of Aldermen hereby approves a conditional use for the applicant herein named to henceforth operate a business as set forth herein subject to the required licensing, fees and adherence to the conditions listed in the City's Municipal Code, unless revoked under provisions of the Zoning Code or otherwise revoked by provisions of law.

P&Z 2015-001: Elite Massage Therapy

SECTION 2: That this conditional use permit shall be valid for property legally described as follows:

501 West Osage Suite A, City of Pacific, Franklin County Missouri;

SECTION 3: This Resolution shall take effect and be in full force from and after its passage by the Board of Aldermen and approval by the Mayor.

PASSED AND APPROVED THIS _____ DAY OF _____, 200_____
_____.

Jeffrey M. Palmore, Mayor

ATTEST:

City Clerk

M/S by _____ and _____ to accept and
assign Resolution No. _____ .

January 30, 2015

Mayor and Members of the Board of Aldermen
City of Pacific, Missouri
300 Hoven Street
Pacific, MO 63068

Re: A request for a Conditional Use Permit to operate a Massage Therapy Establishment (Elite Massage Therapy) at 501 West Osage, suite A. (P.Z. 2015-001 Elite Massage Therapy)

Dear Mayor and Members of the Board;

The Planning Commission held a public hearing on January 27, 2015 to consider a CUP for the property mentioned above to allow a Massage Therapy Establishment. After review of substantial evidence presented by the Petitioner and City Staff, the Commission found that the application met all conditions for a conditional use permit for a massage therapy in the City's "C-1" Downtown Commercial District. The Planning Commission's findings of fact are provided below:

1. Does the proposed conditional use comply with all applicable provisions of Title IV of the Code of Ordinances of the City of Pacific, MO?

Yes. The use complies with the City's Zoning Requirements and all applicable requirements of Section 645 "Massage Establishments..." No additional conditions were recommended by the Planning Commission.

2. Does the proposed conditional use contribute to and promote the community welfare or convenience?

Yes. The proposed use represents a business whose services will promote convenience, comfort and therapeutic services as permitted and regulated by the State and the City's ordinances.

3. Are adequate measures taken, as needed, to avoid substantial injury to the value of neighboring property and will not create a nuisance?

Yes. The site is zoned appropriately for the proposed use. Furthermore, the proposed use will be located in an otherwise underutilized building that is currently only partially occupied by a hair salon.

4. Is the proposed conditional use permit consistent with the Comprehensive Plan and existing zoning district provisions?

Yes, the use is consistent with the proposed zoning and Comprehensive Plan.

5. Does the proposed conditional use permit, if applicable, provide off-street parking and loading areas provided in accordance with the standards contained in Title IV of the Code of Ordinances of the City of Pacific, MO?

Yes. The site has limited off-street parking; however the petitioner intends to utilize on-street parking and pursue shared parking agreements with the adjacent commercial uses. Note: Parking requirements are waived for uses in the city's downtown (C-1) District.

6. Does the proposed conditional use permit, if applicable, provide erosion control and on-site stormwater detention in accordance with the standards contained in Title IV of the Code of Ordinances of the City of Pacific, MO?

Not applicable. No exterior changes are proposed that would impact on-site drainage.

7. The proposed conditional use permit will not substantially increase traffic congestion and noise.

Yes. The business does not generate substantial traffic. Due to the nature and size of the business, traffic will be limited to the number of patients that 1-2 licensed therapists can accommodate at scheduled intervals.

The Planning Commission concluded that the proposed use promotes the health, safety and welfare of the community and that the existing licensing, permitting and other requirements of the City's Municipal Code provides the safeguards necessary to assure its compatibility with the surrounding area based on the above findings. The Planning Commission passed a motion by vote of 7-0 to recommend approval of a conditional use permit for the requested use.

This matter is now forwarded to the Board of Aldermen for review and consideration. The Staff Report presented to the Planning and Zoning Commission at their January 27, 2015 meeting and the proposed resolution authorizing the conditional use permit are attached.

Sincerely,



Todd Streiler, AICP, LEED AP
Planner

Staff Report (Elite Massage Therapy)

ON AN APPLICATION TO: Consider a Conditional Use Permit for 501 West Osage, suite A for a massage therapy establishment. Massage therapy is permitted as a conditional use in the City's "C-1" Downtown Commercial District. The proposed use will occupy an existing space in a building that has been vacant. The petitioner is currently licensed by the State and filed the necessary applications with the City. (P.Z. 2015-001)

APPLICANT: Carrie Thomas
513 Micah Road
Catawissa, MO 63015

OWNER: Carrie Thomas
513 Micah Road
Catawissa, MO 63015

LOCATION: 501 West Osage

PRESENT ZONING CLASSIFICATION: "C-1" Downtown Commercial District

REQUESTED ACTION: CUP to allow a certified massage therapist business

SURROUNDING LAND USES:

North:	R-1A
South:	C-1 (Osage)
East:	C-1 (5 th Street)
West:	C-1

STAFF REPORT:

The use is consistent with the Comprehensive Plan and is permitted as a Conditional Use in the City's "C-1" Downtown Commercial District provided the requirements of Section 645 of the City Ordinance are met, including but not limited to the following:

1. It shall be unlawful for any person to engage in the operation of a massage establishment without first having obtained a business license through the City of Pacific in accordance with Chapter 605 of the Code of the City of Pacific, Missouri, and first having obtained a license for such business and practice as may be required by State law. (Section 645.20)
2. A massage establishment's license may be suspended for up to ninety (90) days or revoked by the City Clerk for violation of any provisions of Section 645, including, but not limited to the requirements contained in this report. (Section 645.70)
3. All rooms, appliances and apparatus shall be kept clean and operated in a sanitary condition. (Section 645.80)
4. All employees shall be clean and shall wear clean outer garments. (Section 645.80)

5. Separate toilet facilities and dressing areas shall be provided for each sex. (Section 645.80)
6. The Board of Aldermen may approve additional regulations as part of the initial application, application renewal or after any suspension of any license. (Section 645.80)
7. Any massage establishment shall not be open, nor conduct operation, between the hours of 10:00 P.M. and 7:00 A.M. (Section 645.100)

RECOMMENDATION: Upon review of the application, the proposed use meets the requirements of the "C-1" Downtown Commercial Zoning District Regulations and the standards for conditional use permit (Section 405.040). All conditional use permits shall be reviewed to ensure they provide the necessary safeguards to assure its compatibility with the surrounding area and protect the health, safety and welfare of the community. The Planning Commission shall respond in the affirmative to each of the following conditions prior to authorizing any conditional use permit:

8. Does the proposed conditional use comply with all applicable provisions of Title IV of the Code of Ordinances of the City of Pacific, MO?
9. Does the proposed conditional use contribute to and promote the community welfare or convenience?
10. Are adequate measures taken as needed to avoid substantial injury to the value of neighboring property and will not create a nuisance?
11. Is the proposed conditional use permit consistent with the Comprehensive Plan and existing zoning district provisions?
12. Does the proposed conditional use permit, if applicable, provide off-street parking and loading areas provided in accordance with the standards contained in Title IV of the Code of Ordinances of the City of Pacific, MO?
13. Does the proposed conditional use permit, if applicable, provide erosion control and on-site stormwater detention in accordance with the standards contained in Title IV of the Code of Ordinances of the City of Pacific, MO?
14. The proposed conditional use permit will not substantially increase traffic congestion and noise.

Staff recommends, after considering each of the seven (7) conditions above and testimony from the petitioner and Staff, the Commission proposes a motion to recommend approval, approval with conditions or denial of the proposed request for conditional use permit.