



# **INFORMATION MEMORANDUM**

TO: Mayor and City Council

FROM: Charles S. Cox  
City Manager

DATE: May 9, 2018

SUBJECT: Ordinance 3501 – Specific Use Permit for Reflexology (Hand and Foot Massage) and Massage Business located at 12879 Josey Lane (Suite No. 115)

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## **Existing Conditions:**

The subject property is a 1.62-acre site that comprises a portion of the retail shopping center located on the west side of Josey Lane and on the south side of Valley View Lane. The site is surrounded by retail and commercial type uses on the north and east, and by Tara Place Condominium Community to the south and west.

## **Zoning / Requested Use:**

The subject site is fully developed and contains a single-story masonry building with approximately 24,000 square feet. The building is divided into suites that are currently used for retail and service type uses: medical offices, personal services, and dry cleaning services. The applicant is currently leasing suite number 115 (approximately 1,280 square feet) and plans to operate a reflexology (hand and foot massage) and full body massage business in this suite.

The subject site is located within the Planned Development 8 (PD-8) / Local Retail LR-1 zoning district. The Comprehensive Zoning Ordinance (CZO) requires that reflexology and massage businesses must obtain a Specific Use Permit (SUP).

According to the Comprehensive Zoning Ordinance, reflexology (hand and foot massage) is a massage type limited to work on hands and feet that does not involve manipulating soft tissue, stroking, rubbing, tapping, stretching, bathing, scrubbing, or the use of oils or lotions or the touching of any other part of the body (e.g. cannot start rubbing the ankles as part of foot

reflexology). The person performing reflexology must also not represent that he or she is a massage therapist or use any of the other protected terms without being licensed as a massage therapist.

According to the Comprehensive Zoning Ordinance, massage business is any place of business where manipulative massage or manipulated exercises are practiced upon the human body for consideration whether with or without the use of mechanical therapeutic or bathing devices, in a State of Texas licensed hospital by a duly licensed physician or chiropractor; by a duly licensed beautician or barber in a licensed beauty shop or barber shop; in an establishment where State of Texas registered physical therapists treat only patients recommended by a licensed physician and operate under such physician's direction or any registered massage establishment under Chapter 455 of the Texas Occupations Code, as amended.

### **Site Design:**

The applicant is proposing to remodel suite number 115 and add a reception and customer waiting area, a reflexology room, four rooms dedicated to full body massage, a storage room and a bathroom. Subject suite number 115 is approximately 1280 square feet in area (16 feet by 80 feet). The reflexology and massage rooms will range from 80 square feet to 140 square feet.

No expansion of the building is proposed with this request. The applicant is not requesting any outdoor operation space, storage or display with this Specific Use Permit request.

### **Operation:**

Natural Foot Spa is a registered massage establishment under Chapter 455 of the Texas Occupation Code and the massage therapist is a registered physical therapist with the State of Texas. According to the Texas Occupation Code, Chapter 455, a license holder must renew his license biennially. The business shall continue to comply with all state requirements for massage establishments.

The business operating hours are Monday through Sunday, 10:00 am to 9:00 pm. The total number of employees proposed at this time is two, the massage therapist and a receptionist.

### **Parking:**

The subject site currently has 93 parking spaces to serve the needs of all the retail units located within the building. The CZO requires all retail and personal service uses to provide a parking space per every 200 square feet of gross floor area. To comply with the CZO requirements, the subject building is required to have 120 parking spaces.

The Comprehensive Zoning Ordinance does not include a specific parking ratio for massage establishments but according to the retail and personal service parking ratios, suite 115 will be required to provide 7 parking spaces. Ten parking spaces are located directly in front of suite number 115.

According to the current combination of uses and evaluating the performance of this retail area throughout the past many years, staff has determined that the existing parking is sufficient to serve

the needs of the existing uses within the building, including the proposed reflexology and massage business.

**Landscaping:**

No landscaped open space is provided on the property and the applicant is not proposing any changes to the site.

**Signage:**

The applicant has installed a window sign on the front side of the suite. Any signage provided for the business is subject to the City's Sign Ordinance.

**Four Corners Area Vision Plan:**

The Four Corners area consists of 54 acres surrounding the intersection of Valley View Lane and Josey Lane. Historically, this area has been the epicenter for retail activity. To help encourage new development into the area, the City Council adopted a conceptual master plan, known as the Four Corners Vision Plan, in May 2008.

The 2008 Four Corners Area Vision Plan included among the major objectives: "creating a sense of place through the design of a series of 'outdoor rooms' or street and squares that are framed by buildings and scaled to the pedestrian" and "reducing the retail space and increasing residential space to match market opportunities". The Plan shows proposed residential buildings on the subject site.

Staff considered the proposed request for a massage business in the current configuration of the subject site and Four Corners Area and determined that this request will not impede a major redevelopment of the Four Corners Area in the future, but will serve the immediate needs of the retail center.

The Central Area Plan (adopted in August 2012) defers to the Four Corners Area Vision Plan.

**Public Response:**

Staff mailed 178 public notification letters on April 13, 2018 to the surrounding property owners. Two zoning notification signs were posted on the site that same day. A public notice ad was placed in Dallas Morning News on April 28, 2018. As of May 9, 2018, one letter of opposition has been received by the city.

**Recommendation:**

On April 23, 2018, the Planning and Zoning Commission considered this request as presented in Ordinance No. 3501. A motion to recommend approval of the request failed by a vote of 2-4; therefore, the motion did not carry hence the recommendation for denial.

Possible Council Action:

1. Motion to adopt Ordinance No. 3501.
2. Motion to adopt Ordinance No. 3501 with the following modifications ...
3. Motion to deny Ordinance No. 3501.
4. Motion to continue discussion at the next meeting.