

1st Reading 5/28/2024
2nd Reading 5/28/2024

BILL NO. 24-04

ORDINANCE NO. 5454

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO JOSEPH BOEGER, ON BEHALF OF DONG QI WANG AND FOOT SPA AHH TO OPERATE A MASSAGE ESTABLISHMENT AT 9919 WATSON ROAD IN THE CITY OF CRESTWOOD, MISSOURI

WHEREAS, Joseph Boeger, on behalf of Dong Qi Wang and Foot Spa Ahh, has filed an application for a conditional use permit to operate a massage establishment at 9919 Watson Road, which is located in the City of Crestwood, Missouri (“City”); and

WHEREAS, pursuant to Sections 26-15 and 26-75 of the Municipal Code of the City of Crestwood, Missouri (the “Code”), a “massage establishment” use may only be operated in a C-1 District upon the issuance of a conditional use permit by the Board of Aldermen; and

WHEREAS, pursuant to duly published notice, a hearing was held on April 3, 2024, before the Planning, Zoning and Architectural Review Commission of the City (the “Commission”) on said application; and

WHEREAS, the Commission has recommended that the Board of Aldermen approve this application for a conditional use permit to operate a massage establishment subject to certain conditions; and

WHEREAS, notice of a public hearing before the Board of Aldermen on said application to be held on May 28, 2024, was duly published, and notice thereof given to nearby property owners as provided by ordinance; and

WHEREAS, following said hearing and consideration, the Board of Aldermen does herewith specifically find that the granting of the requested conditional use permit is consistent with the standards set out in the Zoning Code and will not:

1. Substantially increase traffic hazards or congestion;
2. Adversely affect the visual coherence, predominant usage, or development character of surrounding or adjacent neighborhoods;
3. Substantially increase fire, health or any other public safety hazards, or make difficult access by fire and emergency vehicles;
4. Adversely affect the general welfare of the community;
5. Overtax public utilities, services or other municipal facilities;
6. Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas;
7. Substantially increase stormwater drainage onto other lots; or
8. Create a nuisance; and

WHEREAS, the Board of Aldermen has found and determined that a conditional use permit should be approved, subject to the conditions herein set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: Subject to the conditions hereof, a conditional use permit is hereby authorized to be granted to Joseph Boeger, on behalf of Dong Qi Wang and Foot Spa Ahh, to operate a massage establishment at 9919 Watson Road, in accordance with the materials and drawings submitted by the applicant, all of which are attached collectively hereto as Exhibit A, except as same may be revised in order to comply with the terms and conditions hereof and the requirements of any other City Ordinances. The City Attorney is directed to prepare a written order with findings of fact and conclusions consistent with this Ordinance.

SECTION 2: Said conditional use permit approval is conditioned upon and shall become and remain in force and effect only upon the following terms and conditions:

- a. That all signs be in compliance with the present Sign Ordinances of the City of Crestwood, as set forth in Chapter 26 of the City's Code;

- b. That the plans be approved by the City of Crestwood Public Works and Fire Department;
- c. That the applicant shall be responsible for complying with all applicable provisions of the 1990 Americans with Disabilities Act (ADA), as amended;
- d. That the conditional use permit is to be allowed for the C-1 zoning district;
- e. That the plans meet all City of Crestwood Codes;
- f. That no exterior changes are to occur without the proper approvals and permits;
- g. That any interior plans or drawings be approved by the City of Crestwood and St. Louis County;
- h. That the facility meet the requirements of ICC/ANSI A117.1 Standard on Accessible and Useable Buildings and Facilities, with regard to provisions for the disabled;
- i. That the use be operated in conformance with the relevant performance standards contained in Chapter 26 of the City's Code, as amended;
- j. That the use be operated in conformance with the relevant licensing requirements for Sexual Oriented Businesses and Massage Businesses contained within Chapter 13 of the City's Code, as amended; and
- k. That the approval is given on the condition that all of the above conditions are approved by the City and construction/use commences within the time provided by Section 26-11(H)(3) of the City's Code.

SECTION 3: When all of the conditions hereof have been met, the Director of Public Works is authorized and directed to issue the necessary permits. Should there be a violation of any of said conditions, the City shall notify permittee/applicant and if such violation is not corrected within thirty (30) days, the City shall have the right to reconsider said approvals and amend, modify or revoke same after notice and an opportunity for permittee/applicant to be heard.

SECTION 4: Joseph Boeger, through his authorized representative(s), shall file a written acceptance of the conditions hereof, and record a copy of this Ordinance, together with a copy of the approved plans and any amendments thereto.

SECTION 5: Any and all applicable site plan approvals and/or conditional use permits in connection with this property shall remain in full force and effect unless inconsistent herewith.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED this 28th day of May, 2024.



Mayor

ATTEST:



City Clerk

APPROVED this 28th day of May, 2024.



Mayor

EXHIBIT A

[*Materials and Drawings submitted by Applicant*]



MEMORANDUM

To: Kris Simpson, City Administrator
From: Danny Jendusa, City Planner
Date: May 10, 2024
Subject: CUP-4-24 Foot Spa Ahh (9919 Watson Rd.)

Joseph Boeger has submitted an application on behalf of Dong Qi Wang for a Conditional Use Permit to operate a Massage Establishment at 9919 Watson Rd in the "C-1" Local Commercial District.

The proposed massage establishment would be located within a tenant space at the end of the small retail center alongside the Circle K gas station at 9919 Watson Rd. The applicant has stated they will not be making significant alterations to the existing 1,000sqft tenant space. The proposed business would be subject to the business licensing restrictions found within Division 6 of Chapter 13 of the Municipal Code, regulating licenses for Sexually Oriented Businesses and Massage Businesses.

RECOMMENDED ACTION

On May 1, 2024, the Planning, Zoning, and Architectural Review Commission voted 6-0 to recommend approval of the requested CUP with the conditions recommended by city staff.



Notice of Public Hearing

City of Crestwood

CUP-4-24 A Request for a Conditional Use Permit submitted by Joseph Boeger on behalf of Dong Qi Wang to operate a Massage Establishment at 9919 Watson Rd

Notice is hereby given that a public hearing will be held before the Board of Aldermen of the City of Crestwood, Missouri at the Crestwood Government Center at 1 Detjen Drive, Crestwood, MO 63126 on Tuesday, May 28, 2024, at 7:00 p.m. for the purpose of hearing all citizens' written and oral comments regarding a request submitted by Joseph Boeger on behalf of Dong Qi Wang for a Conditional Use Permit to operate a Massage Establishment at 9919 Watson Rd.

The application and supporting documents were filed on February 23, 2024, and may be viewed at the desk of the City Planner at the Government Center. Written comments may be submitted prior to 3:00pm the day of the meeting to the City Planner by email to djendusa@cityofcrestwood.org. All written comments must contain the name and address of the commenter to be read during the meeting.

By order of the Board of Aldermen, City of Crestwood, Missouri.

ATTEST:
/s Helen Ingold
City Clerk

City Clerk's Office received from the City Planner and dated: 5/8/2024.

Posted in Government Center Lobby on 5/8/2024.

***ANYONE WITH SPECIAL NEEDS WISHING TO ATTEND MAY CALL (314)
729-4700 SO APPROPRIATE ACCOMMODATIONS CAN BE MADE***

One Detjen Drive * Crestwood, Missouri 63126-1697 * 314-729-4700 * Fax 314-729-4794
www.cityofcrestwood.org

Foot Spa Ahh - 9919 Watson Rd,

5/28/2024 Application No. CUP-4-24; Joseph Boeger, on behalf of Dong Qi Wang and Foot Spa Ahh

Exhibit # 3 - City of Crestwood Code, Chapter 26 containing the Zoning Code
&

Exhibit # 7 City's Comprehensive Plan.

3/11/24

Dear Sirs & Ladies,

I am writing this letter to you as the legal representative of Dong Qi Wang, who is currently out of the country visiting her mother, who is ill.

Dong Qi is a green card holder who is pursuing the goal of opening and owning her own business here in the city of Crestwood. The name of her business tentatively will be called "Foot Spa Ahhh!"

Her services will be foot and body massage. No pedicure/manicure services. Dong Qi is a licensed Massage Therapist in the State of Missouri, and has over Ten years experience. Until her needs dictate otherwise and the business grows sufficiently, Dong Qi will be the sole employee of her business.

The suite for lease at 9919 Watson Rd. required no structural changes... only painting & cleaning.

It is listed as 1,050 sq. ft. of space.

We are hopeful and thankful that you will grant Dong Qi Wang the opportunity to open her business here in Crestwood.

Sincerely,

Dong Qi Wang
Joseph Boegh

I can attest as a patron of Dong Qi for over 3 years, she has significantly improved my physical health and allowed me to maintain my career at UPS. Prior to initiating my affiliation with Dong Qi, I had 2 separate back surgeries in 2017 & 2019. I tried other forms of treatment including Chiropractic & acupuncture without significant improvement. I obtained significant improvement with massage therapy by Dong Qi Wang.

Sincerely,
Joseph Boeger
3/11/24

FOR LEASE

Retail Space

9919 Watson Road
St. Louis, MO 63126

LEASING PLAN



Paul Nagel

Vice President

636-728-5194 / 314-409-1313

pnagel@gundakercommercial.com

Gundaker Commercial Group | 2458 Old Dorsett Road | Suite 311 | St. Louis, Missouri 63043 | 636-728-5100 | www.gundakercommercial.com

The information contained herein was obtained from sources believed reliable. Gundaker Commercial Group makes no guarantees, warranties, or representation as to the completeness or accuracy thereof. The presentation of this property is submitted subject to errors, omissions, change of price or conditions prior to sale or lease, or withdrawal without notice.

APPLICATION NUMBER:	CUP-4-24
APPLICATION (PROJECT) NAME:	CONDITIONAL USE PERMIT- FOOT SPA AHH (9919 WATSON RD) JOSEPH BOEGER
APPLICANT:	ON BEHALF OF DONG QI WANG 6207 MORGANFORD RD. ST LOUIS, MO 63116
PROPERTY OWNER NAME:	SPIRIT ENERGY LLC 7701 FORSYTH BLVD, STE 325 ST. LOUIS, MO 63105
APPLICANT'S REQUEST:	CONDITIONAL USE PERMIT TO OPERATE A MASSAGE ESTABLISHMENT
SITE LOCATION:	9919 WATSON RD CRESTWOOD, MO 63126
PARCEL/LOCATOR NUMBER:	25M330010
EXISTING ZONING / PLANNING DISTRICT:	"C-1" LOCAL COMMERCIAL DISTRICT
TOTAL SITE AREA:	APPROXIMATELY 1.38 ACRES
P&Z HEARING DATE:	APRIL 3, 2024
REPORT DATE:	MARCH 29, 2024
CASE MANAGER:	DANNY JENDUSA, CITY PLANNER
RECOMMENDATION:	APPROVAL WITH CONDITIONS



REQUEST

Joseph Boeger submitted an application on behalf of Dong Qi Wang for a Conditional Use Permit to operate a Massage Establishment at 9919 Watson Rd.

ACTION

The Planning, Zoning, and Architectural Review Commission is requested to vote to recommend approval, approval with conditions, or denial of the requested Conditional Use Permit. The Planning Commission's recommendation will be forwarded to the Board of Aldermen for a final vote following an additional public hearing.

EXISTING CONDITIONS

The proposed massage establishment would be located within a tenant space in the small retail center alongside the Circle K gas station at 9919 Watson Rd. According to St. Louis County, the retail building was constructed in 1987. The tenant space is approximately 1,000 square feet at the east end of the retail center. The applicant has identified they will not be making any exterior or significant interior alterations to the tenant space beyond painting inside.



ZONING CONTEXT & SURROUNDING LAND USE

The subject property is zoned "C-1" Local Commercial District. The district is composed of those areas of the City whose principal use is and ought to be general retail, service, and repair business activities which serve the entire City and surrounding area. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

A “massage establishment” is defined in Article XII of Chapter 26:

A "massage establishment" is any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or applied with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparation commonly used in this practice

Massage establishments are also subject to the business licensing restrictions found within Division 6 of Chapter 13 of the Municipal Code, regulating licenses for Sexually Oriented Businesses and Massage Businesses. Per Article XII of Chapter 26, a massage establishment is a Conditional Use in the “C-1” zoning district.



Cropped image from Figures 2 and 3: Zoning Map with Building Footprints and Aerial

EXISTING CONDITIONS MATRIX			
DIRECTION	EXISTING LAND USE	ZONING	COMMENTS
North	Single Family Residential	R-3	Fox Creek subdivision
East	Restaurant- drive-thru	C-1	McDonalds
South	Office	C-1	Offices
West	Comprehensive Marijuana Facility	C-1	Proper Cannabis

REVIEW CRITERIA

Per Section 26-11(F.), the Board of Aldermen shall not approve any conditional use permit application, or any amendment to an existing conditional use permit, unless the proposed conditional use is consistent with the standards herein, and unless the board determines that the proposed conditional use will not:

1. Substantially increase traffic hazards or congestion;
2. Adversely affect the visual coherence, predominant usage, or development character of surrounding or adjacent neighborhoods;
3. Substantially increase fire, health, or any other public safety hazards, or make difficult access by fire and emergency vehicles;
4. Adversely affect the general welfare of the community;
5. Overtax public utilities, services, or other municipal facilities;
6. Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas;
7. Substantially increase stormwater drainage onto other lots;
8. Create a nuisance.

BURDEN OF PROOF

In presenting any application for a Conditional Use Permit, the applicant must further demonstrate that the proposed use meets the burden of proof criteria contained in Section §26-11 (b)(2), Burden of Proof.

- The proposed conditional use complies with all applicable provisions of these applicable district regulations.
- The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it will be located.
- The location and size of the conditional use, the nature and intensity of the operation involved in, or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

1. The location, nature and height of buildings, structures, walls, and fences on the site, and
2. The nature and extent of proposed landscaping and screening on the site.

- Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
- Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- The proposed uses are deemed consistent with good planning practice and are not inconsistent with the goals, objectives, and policies of the Comprehensive Plan; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the city.

FINDINGS AND RECOMMENDATION

The City Planner finds that the proposed conditional use will not:

1. Substantially increase traffic hazards or congestion;
2. Adversely affect the visual coherence, predominant usage, or development character of surrounding or adjacent neighborhoods;
3. Substantially increase fire, health, or any other public safety hazards, or make difficult access by fire and emergency vehicles;
4. Adversely affect the general welfare of the community;
5. Overtax public utilities, services, or other municipal facilities;
6. Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas;
7. Substantially increase stormwater drainage onto other lots;
8. Create a nuisance.

As outlined under Section § 26-11 (F).

BURDEN OF PROOF

Overall, the City Planner finds that the request **meets** the burden of proof criteria for a Conditional Use Permit, outlined under Section § 26-11 (b)(2).

- The proposed conditional use complies with all applicable provisions of these applicable district regulations.
- The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it will be located.

- The location and size of the conditional use, the nature and intensity of the operation involved in, or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

3. The location, nature and height of buildings, structures, walls, and fences on the site, and
 4. The nature and extent of proposed landscaping and screening on the site.
- Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
 - Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 - The proposed uses are deemed consistent with good planning practice and are not inconsistent with the goals, objectives, and policies of the Comprehensive Plan; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the city.



RECOMMENDATION

The City Planner recommends **approval of the application for a Conditional Use Permit to operate a Massage Establishment at 9919 Watson Rd., with the following conditions:**

- a. That all signs be in compliance with the present Sign Ordinances of the City of Crestwood, as set forth in Chapter 26 of the City’s Code;
- b. That the plans be approved by the City of Crestwood Public Works and Fire Department;
- c. That the applicant shall be responsible for complying with all applicable provisions of the 1990 Americans with Disabilities Act (ADA), as amended;
- d. That the conditional use permit is to be allowed for the C-1 zoning district;
- e. That the plans meet all City of Crestwood Codes;
- f. That no exterior changes are to occur without the proper approvals and permits;
- g. That any interior plans or drawings be approved by the City of Crestwood and St. Louis County;

- h. That the facility meet the requirements of ICC/ANSI A117.1 Standard on Accessible and Useable Buildings and Facilities, with regard to provisions for the disabled;
- i. That the use be operated in conformance with the relevant performance standards contained in Chapter 26 of the City's Code, as amended;
- j. That the use be operated in conformance with the relevant licensing requirements for Sexual Oriented Businesses and Massage Businesses contained with Chapter 13 of the City's Code, as amended.
- k. That this approval is given on the condition that all of the above conditions are approved by the City and construction/use commences within the time provided by Sec. 26-11(H)(3) of the City's Code.

The image shows a large, light gray watermark of the word "CRESTWOOD" in a bold, sans-serif font. Overlaid on the right side of the watermark is a handwritten signature in black ink that reads "Danny Jendusa". Below the signature, the text "Danny Jendusa, AICP" and "City Planner" is printed in a smaller, black, sans-serif font. The background behind the signature and name is a light green circular shape.

APPENDIX


A large, light gray watermark of the Crestwood logo is centered behind the main title. The logo consists of the word "CRESTWOOD" in a bold, sans-serif font. The letters "O" and "O" in "WOOD" are replaced by two overlapping circles: a light green circle on the left and a slightly darker green circle on the right. The circles overlap in the middle, creating a darker shade of green.

SUPPLEMENTAL MAPS AND EXHIBITS

FIGURE 1: AERIAL PHOTOGRAPH



9919 Watson Site Location Aerial

 9919 Watson Site Location

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

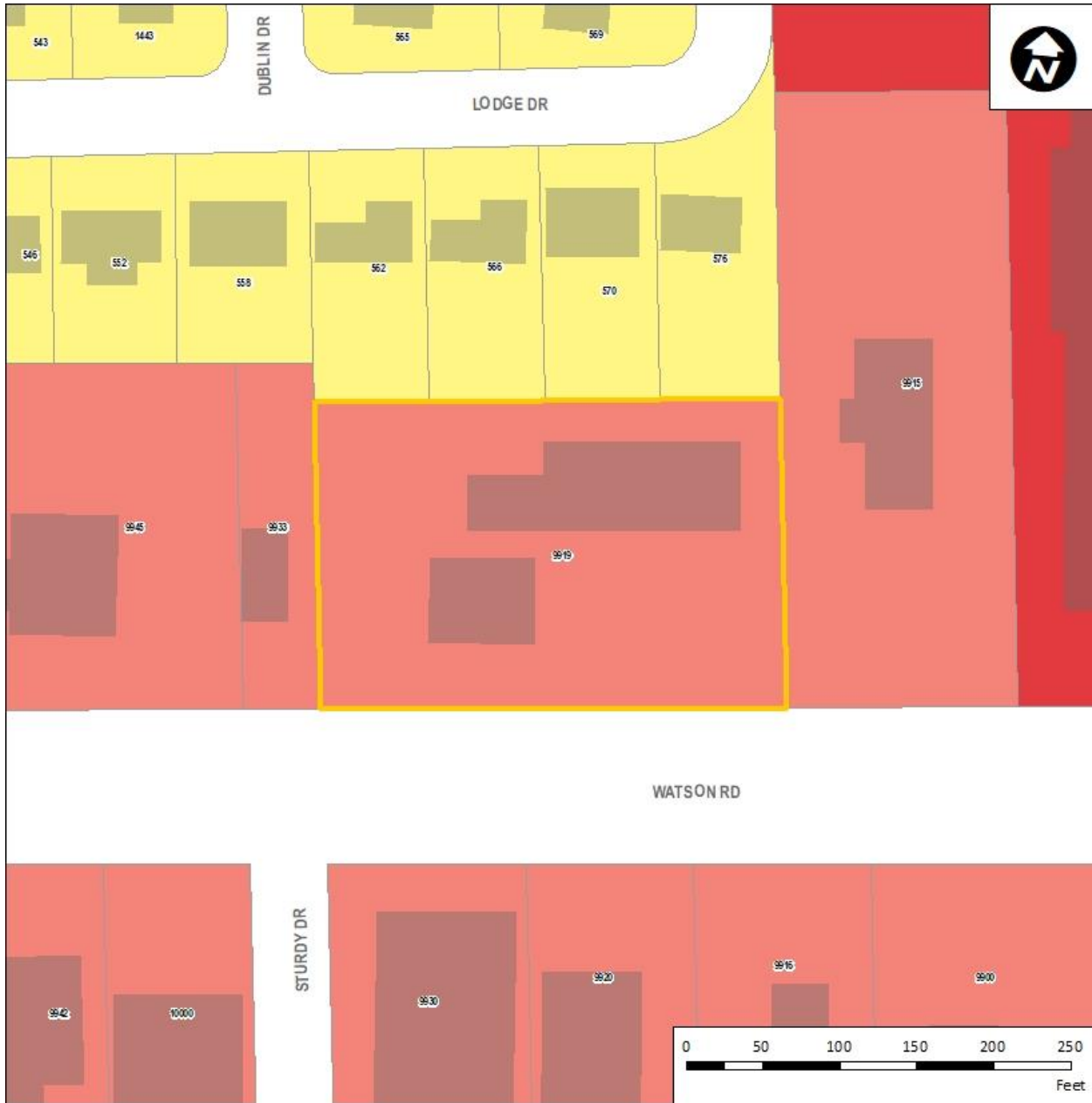


Map by Danny Jendusa
djendusa@cityofcrestwood.org

March 28, 2024

Development/Watson/9919 Watson/9919-watson-aerial

FIGURE 2: ZONING MAP



9919 Watson Site Location Zoning

- 9919 Watson Site Location
- Building Footprints
- R-1
- R-2
- R-3
- R-4
- R-5
- C-1
- PD-C
- PD-R
- M-1
- Grant's Trail
- Parks



Map by Danny Jendusa
 djendusa@cityofcrestwood.org
 March 28, 2024

Development/Watson/9919 Watson\9919-watson-zoning

EXHIBIT A: LEASING INFO

FOR LEASE

Retail Space

9919 Watson Road
St. Louis, MO 63126

LEASING PLAN



Paul Nagel
Vice President
636-728-5194 / 314-409-1313
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Gundaker Commercial Group | 2458 Old Dorsett Road | Suite 311 | St. Louis, Missouri 63043 | 636-728-5100 | www.gundakercommercial.com
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EXHIBIT B: GOOGLE STREETVIEW IMAGE

