

1st Reading 8/27/2024  
2nd Reading 8/27/2024

BILL NO. 24-26

ORDINANCE NO. 5474

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO BALANCED BODY WELLNESS, LLC, TO OPERATE A MASSAGE ESTABLISHMENT IN SUITE 2-L-26 AT 10000 WATSON ROAD IN THE CITY OF CRESTWOOD, MISSOURI

---

WHEREAS, Deborah Hernandez, on behalf of Balanced Body Wellness, LLC, has filed an application for a conditional use permit to operate a massage establishment in Suite 2-L-26 at 10000 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 August 7, 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 August 27, 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 Balanced Body Wellness, LLC to operate a massage establishment in Suite 2-L-26 at 10000 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 be, 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 Sexually Oriented Businesses and Massage Businesses contained within Chapter 13 of the City's Code;

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: Balanced Body Wellness, LLC, through its 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.

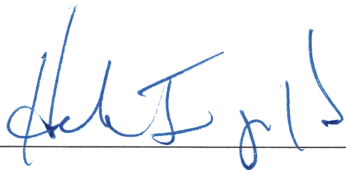
SECTION 5: Any and all applicable site plan approvals and/or conditional use permits in connection with this property shall remain in full force and effect unless inconsistent herewith.

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 27<sup>th</sup> day of August, 2024.

ATTEST:

\_\_\_\_\_  
City Clerk



\_\_\_\_\_  
Mayor



APPROVED this 27<sup>th</sup> day of August, 2024.

\_\_\_\_\_  
Mayor





## MEMORANDUM

**To:** Kris Simpson, City Administrator

**From:** Danny Jendusa, City Planner

**Date:** August 12, 2024

**Subject:** CUP-6-24 Balanced Body Wellness (10000 Watson Rd.)

---

Deborah Hernandez has submitted an application on behalf of Balanced Body Wellness for a Conditional Use Permit to operate a Massage Establishment at 10000 Watson Rd., Ste 2-L-26 in the "C-1" Local Commercial District.

The proposed massage establishment would be located within a unit in the multi-tenant medical office facilities in what is known as the Crestwood Medical Building at 10000 Watson Rd. 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 August 7, 2024, the Planning, Zoning, and Architectural Review Commission voted 5-0 to recommend approval of the requested CUP with the conditions recommended by city staff.



Notice of Public Hearing

City of Crestwood

**CUP-6-24** A Request for a Conditional Use Permit submitted by Deborah Hernandez to operate a Massage Establishment at 10000 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, August 27, 2024, at 7:00 p.m. for the purpose of hearing all citizens' written and oral comments regarding a request submitted by Deborah Hernandez on behalf of Balanced Body Wellness for a Conditional Use Permit to operate a Massage Establishment at 10000 Watson Rd.

The application and supporting documents were filed on July 12, 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](mailto: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: 8/8/2024.

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

\*\*\*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](http://www.cityofcrestwood.org)

CUP-6-24 BALANCED BODY WELLNESS (10000 WATSON RD)

Exhibit 3. City of Crestwood Code, Chapter 26 containing the Zoning Code

Ex. 6. City's Comprehensive Plan



July 11, 2024

Crestwood Department of Public Works

One Detjen Drive, Crestwood, MO 63126

RE: Conditional Use Permit for Balanced Body Wellness llc at 10000 Watson Rd, Suite 2-L-26

Balanced Body Wellness llc requests permission to use the leased space, located at 10000 Watson Rd, Suite 2-L-26, for healthcare services focused on providing pain relief, pain management and improved mobility for clients. The services are provided by Deborah Hernandez, a Missouri state licensed massage therapist and the sole owner of the limited liability company, Balanced Body Wellness llc. Massage therapy is used as the main method of treatment. Other methods used include stretching, exercises and advice on lifestyle changes.

All the services provided are strictly healthcare-related and meet the stringent requirements of the Missouri State Board of Massage Therapy. Deborah Hernandez has been licensed by the Missouri Board of Therapeutic Massage as a massage therapist for 20 years. The business, Balanced Body Wellness, is in the process of being approved by the Missouri Board of Therapeutic Massage as a state licensed massage therapy business. The final inspection is scheduled to take place by a state inspector on Thursday, July 18, 2024, around 11 am.

The predominant clientele for Balanced Body Wellness llc consists of women over the age of 40, suffering from various pain and mobility issues, including fibromyalgia, sciatica, migraine, carpal tunnel, improper hip alignment, joint pain, and cancer treatment, among others.

Deborah Hernandez, LMT, is the sole employee/worker at the location. The number of clients seen per week will be approximately 12-18. Clients are seen by appointment only, Monday through Friday, between the hours of 9:30am – 6:30pm. Very limited weekend hours will also be available, most likely on Sunday afternoons. The space leased is approximately 625 sq feet and consists of a small waiting area, a large office and a 2<sup>nd</sup> small office.

Many clients pay for services from their health savings accounts and flexible spending accounts because services are recognized as healthcare-related by their health insurance companies.





The City of Crestwood states that businesses need to obtain a conditional use permit when their use:

- Generates excessive traffic

Balanced Body Wellness llc consists of a sole practitioner with no other employees and only sees about 12-18 clients per week.

- Potentially attracts a large number of people to an area, creating noise or pollutants

Balanced Body Wellness llc only sees 12-18 individual clients, one at a time, by appointment only, over the course of a week.

- Has a detrimental effect upon the value or potential development of other properties in the neighborhood.

Balanced Body Wellness llc provides healthcare services. The buildings at 10000 Watson Rd are medical use buildings which have various healthcare and personal service businesses, including massage therapists, as current tenants. Since other massage therapists already operate at this address, it has already been deemed an appropriate use for this location by the city of Crestwood. In fact, Suite 2-L-26 was previously occupied by a massage therapist.

- Has an extraordinary potential for accidents or danger to public health or safety

Services provided by Balanced Body Wellness llc are healthcare services, provided by a state licensed healthcare professional. The practitioner, Deborah Hernandez, and the business carry full liability insurance as required by the Missouri State Board of Massage Therapy.

Based on the information above, Balanced Body Wellness llc does not pose any of the potential risks listed in the need for a conditional use permit. Due to this, it is requested that the City of Crestwood proceed with the usual occupancy permit process and not require a conditional use permit by Balanced Body Wellness llc for the location at 10000 Watson Rd, Suite 2-L-26.

Thank you for your consideration,

Deborah Hernandez, Owner

Balanced Body Wellness llc

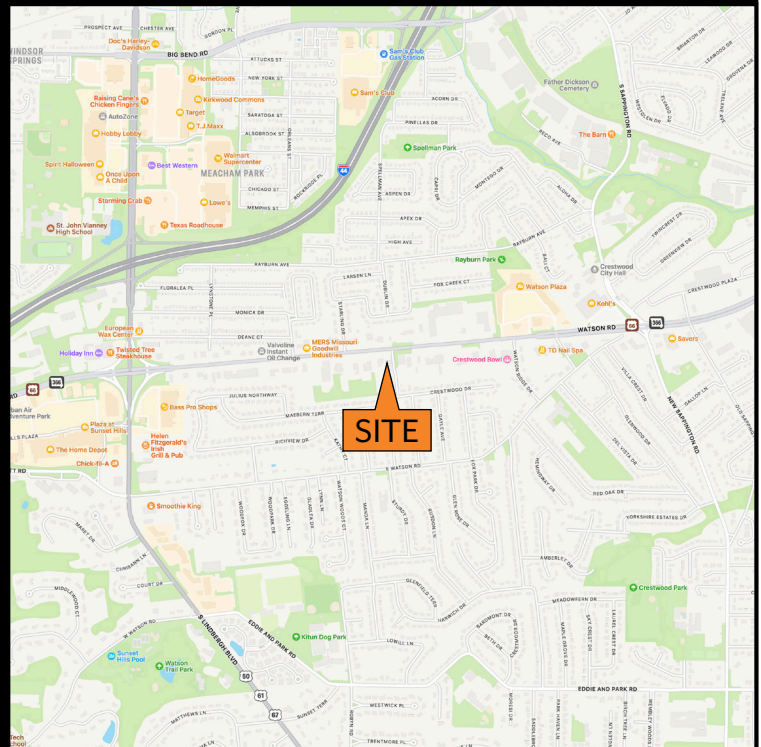
# 10000 WATSON ROAD CRESTWOOD, MO 63126



## FOR LEASE

### Property Information

- ▶ Medical / Professional Office suites
  - North Building, Suite B: 1,100 SF
  - North Building, Suite 1-L-2: 450 SF
  - South Building, Suite 2-L-26: 600 SF
- ▶ North Building is highly visible from Watson Road
- ▶ High-traffic location near Hwy. 270, Hwy. 44, and Lindbergh Boulevard
- ▶ Abundant free parking
- ▶ Neighboring tenants include dentists, oral surgeons, doctors, and engineers
- ▶ **Lease Rate: Contact Broker**



### Contact Information

Matt Hirsch  
(314) 646-3305  
mhirsch@mdrea.com

Cozad Commercial Real Estate  
MD Real Estate Advisors, LLC  
16 Sunnen Drive, Ste. 164  
St. Louis, Missouri 63143



10000 WATSON ROAD  
CRESTWOOD, MO 63126



Information herein has been obtained from the owner of the property or from other sources. The brokers do not guarantee the accuracy of this information. Sellers and brokers make no representation as to the environmental or other conditions of the property and that purchaser investigate fully.

**COZAD COMMERCIAL REAL ESTATE**  
**MD REAL ESTATE ADVISORS**  
A subsidiary of Cozad Commercial Real Estate, Ltd.  
16 Sunnen Dr., Ste. 164 • St. Louis, MO 63143

APPLICATION NUMBER:	CUP-6-24
APPLICATION (PROJECT) NAME:	CONDITIONAL USE PERMIT- BALANCED BODY WELLNESS (10000 WATSON RD)
APPLICANT:	DEBORAH HERNANDEZ 10051 STRATTON RD SAPPINGTON, MO 63126
PROPERTY OWNER NAME:	JERRY GOLDENBERG THIRTY THREE THIRTY THREE INC 10000 WATSON RD ST. LOUIS, MO 63126
APPLICANT'S REQUEST:	CONDITIONAL USE PERMIT TO OPERATE A MASSAGE ESTABLISHMENT
SITE LOCATION:	10000 WATSON RD, STE 2-L-26 CRESTWOOD, MO 63126
PARCEL/LOCATOR NUMBER:	25M220726
EXISTING ZONING / PLANNING DISTRICT:	"C-1" LOCAL COMMERCIAL DISTRICT
TOTAL SITE AREA:	APPROXIMATELY 2.21 ACRES
P&Z HEARING DATE:	AUGUST 7, 2024
REPORT DATE:	JULY 31, 2024
CASE MANAGER:	DANNY JENDUSA, CITY PLANNER
RECOMMENDATION:	<b>APPROVAL WITH CONDITIONS</b>



## REQUEST

Deborah Hernandez submitted an application on behalf of Balanced Body Wellness for a Conditional Use Permit to operate a Massage Establishment at 10000 Watson Rd., Ste 2-L-26

## 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 unit in the multi-tenant medical office facilities in what is known as the Crestwood Medical Building at 10000 Watson Rd. According to St. Louis County, the multi-tenant office building was constructed in 1974.



## ZONING CONTEXT & SURROUNDING LAND USE

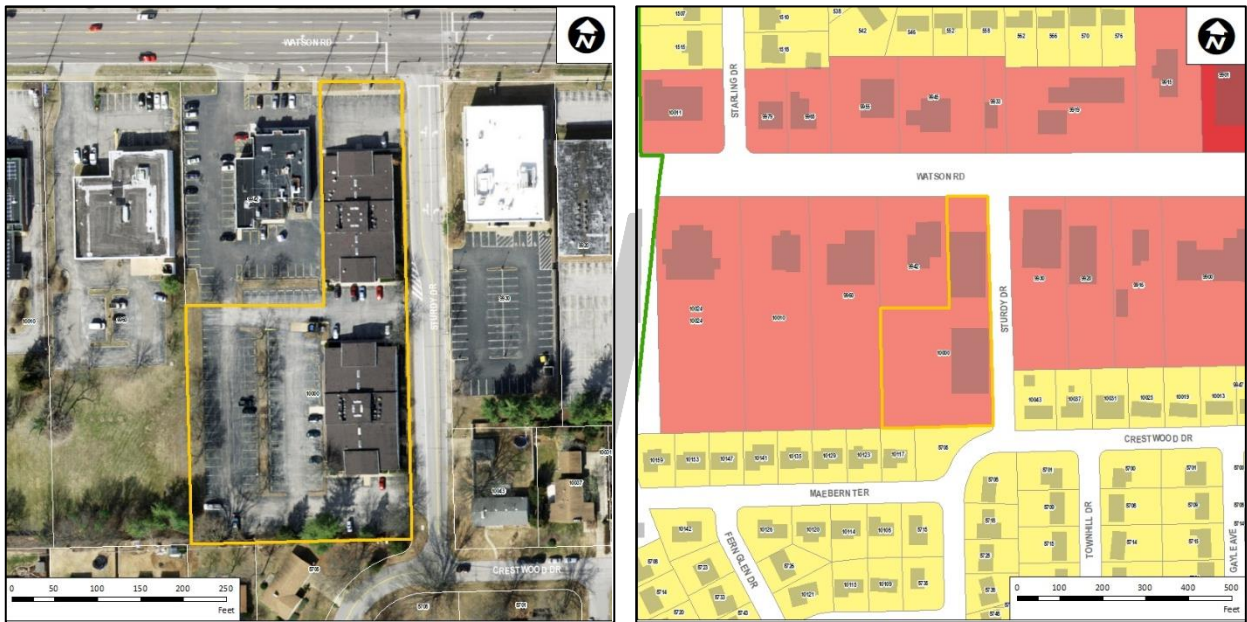
The subject property is zoned "C-1" Local Commercial District. The district is composed of those areas of the City whose principal use is and ought to be general retail, service, and repair business activities which serve the entire City and surrounding area. This district is provided to permit the development 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	Office	C-1	Simmons Bank
East	Office	C-1	Page Law & Excel Imaging
South	Single Family Residential	C-1	Sturdy subdivision
West	Restaurant	C-1	Rich & Charlie’s

## 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:

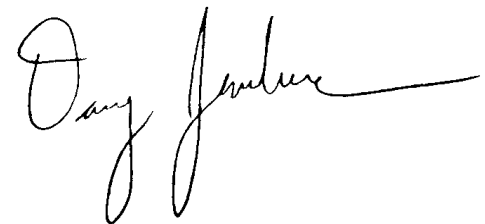
3. The location, nature and height of buildings, structures, walls, and fences on the site, and
  4. The nature and extent of proposed landscaping and screening on the site.
- Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
  - Adequate 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.



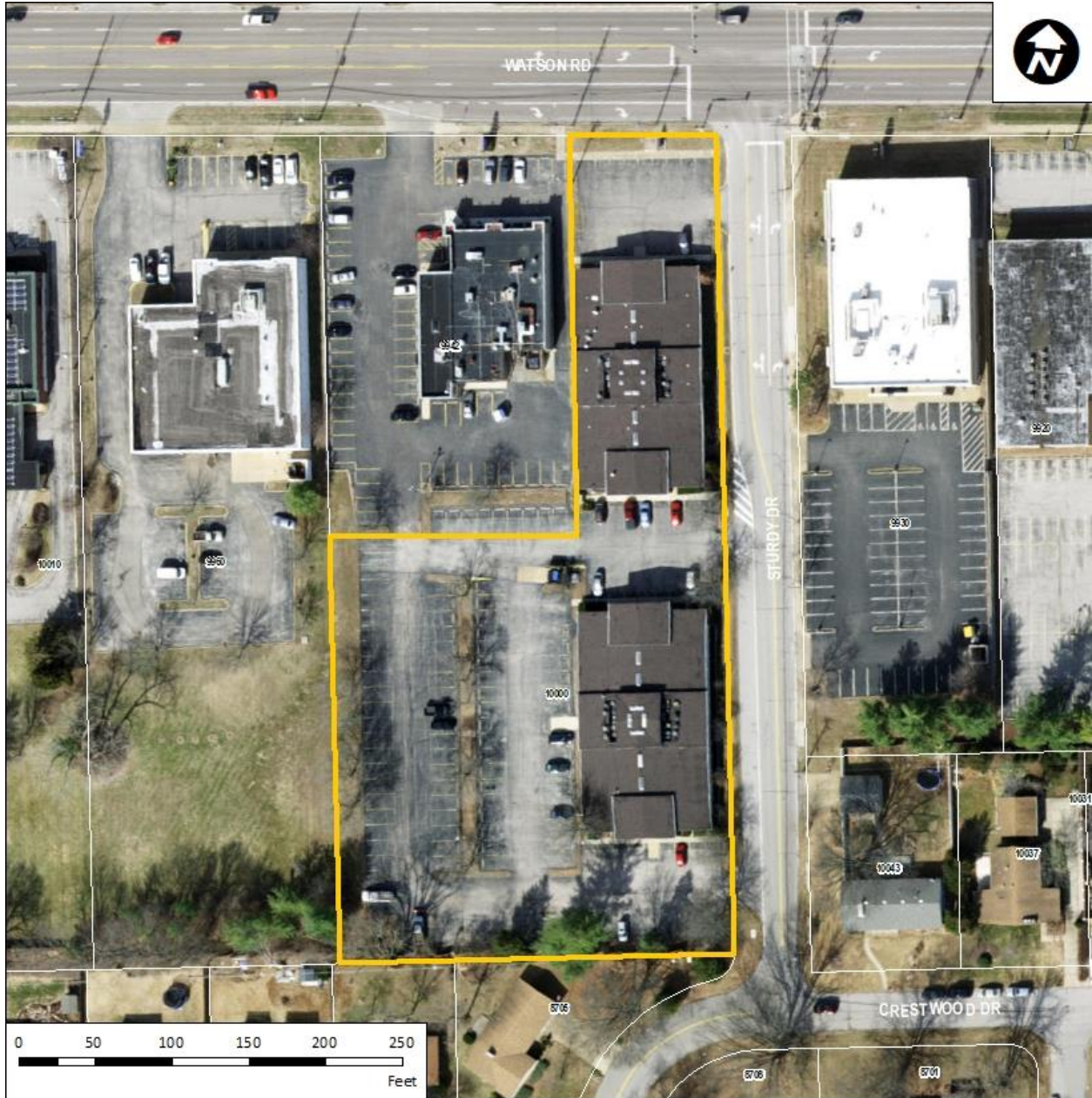
Danny Jendusa, AICP  
City Planner

# APPENDIX


SUPPLEMENTAL MAPS AND EXHIBITS



FIGURE 1: AERIAL PHOTOGRAPH



### 10000 Watson Site Location Aerial

 10000 Watson Site Location

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

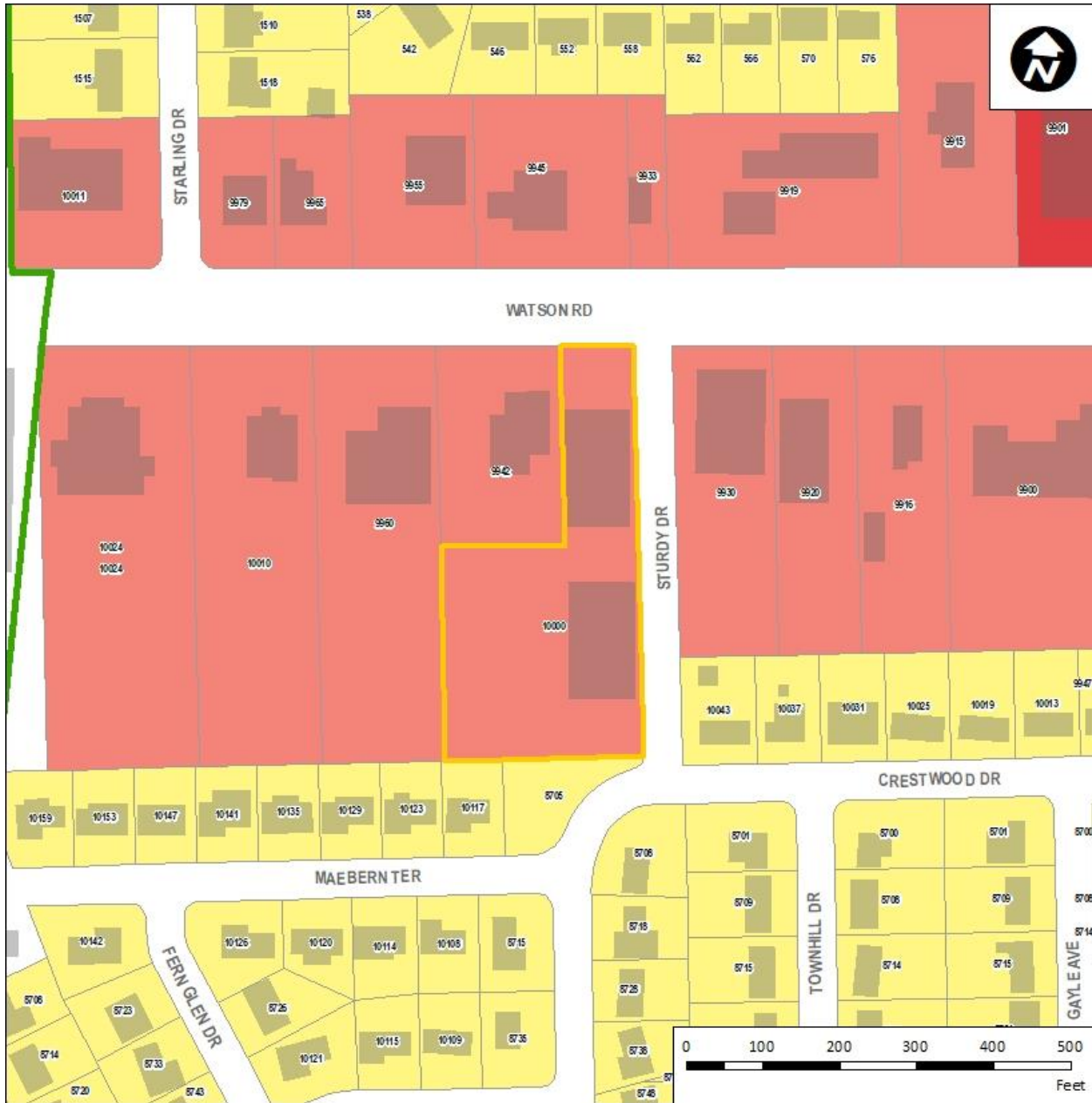


Map by Danny Jendusa  
djendusa@cityofcrestwood.org

July 26, 2024

Development\Watson\10000 Watson\10000-watson-aerial

FIGURE 2: ZONING MAP



### 10000 Watson Site Location Zoning

- 10000 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  
 July 26, 2024

Development\Watson\10000 Watson\10000-watson-zoning

EXHIBIT A: LEASING INFO

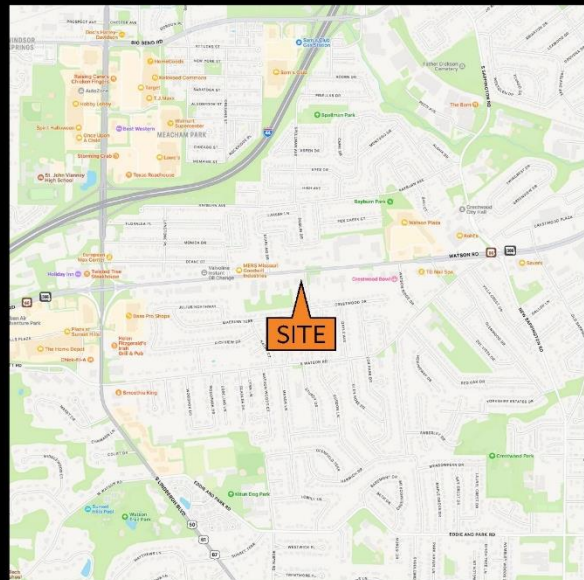
10000 WATSON ROAD  
CRESTWOOD, MO 63126



FOR LEASE

Property Information

- ▶ Medical / Professional Office suites
  - North Building, Suite B: 1,100 SF
  - North Building, Suite 1-L -2: 450 SF
  - South Building, Suite 2-L-26: 600 SF
- ▶ North Building is highly visible from Watson Road
- ▶ High-traffic location near Hwy. 270, Hwy. 44, and Lindbergh Boulevard
- ▶ Abundant free parking
- ▶ Neighboring tenants include dentists, oral surgeons, doctors, and engineers
- ▶ **Lease Rate: Contact Broker**



Contact Information

Matt Hirsch  
(314) 646-3305  
mhirsch@mdrea.com

Cozad Commercial Real Estate  
MD Real Estate Advisors, LLC  
16 Sunnen Drive, Ste. 164  
St. Louis, Missouri 63143



10000 WATSON ROAD  
CRESTWOOD, MO 63126



*Information herein has been obtained from the owner of the property or from other sources. The brokers do not guarantee the accuracy of this information. Sellers and brokers make no representation as to the environmental or other conditions of the property and that purchaser investigate fully.*

**COZAD COMMERCIAL REAL ESTATE**  
**MD REAL ESTATE ADVISORS**  
A Subsidiary of Cozad Commercial Real Estate, Ltd.  
16 Sunnen Dr., Ste. 164 - St. Louis, MO 63143