



**SUP-23093
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08/23/07 PC**

Planning & Development
City of Las Vegas
Development Services Center
731 S. 4th Street
Las Vegas, NV 89101

July 9, 2007

Re: Justification letter for Special Use Permit for a Massage Envy franchise to be located at 6475 N. Decatur, Suite #160, in the Shadow Mountain Shopping complex at the NWC of Decatur and the 215 loop, Las Vegas, NV.

To Whom It May Concern:

Massage Envy is a nationally franchised business delivering wholesome therapeutic massage on a professional, convenient and affordable basis to "main stream" America. We are the good guys bringing legitimate therapeutic massage into the mainstream and DO NOT represent a proliferation of the sort of massage "parlors" that have given the massage industry a suspicious image!

As we apply for the requisite special use permit, we also seek a variance and/or waiver on some of the zoning restrictions pertaining to massage establishments as contained in Chapter 19.04 of the Las Vegas Zoning Code as follows:

1. The code requires that massage establishments not be located within 1,000 feet of any other massage establishment. Our proposed site is not within 1,000 feet of a "massage establishment", but we are, I believe within 1,000 feet from the Euphoria Spa and Salon across Decatur in North Las Vegas located at 6482 N. Decatur Blvd. This business holds a massage license, but massage is an ancillary service to their main business of hair, nails & facials, etc. We hope and assume that the intent of this zoning restriction is probably to prevent the proliferation of "massage parlor row" such as exists in several other places around the city -- and not to unreasonably restrict legitimate business establishments offering wholesome therapeutic massage services from free and fair competition. The council was kind enough to grant this requested waiver in connection with our clinic on West Lake Mead Blvd in the Rocksprings Shopping Center.
2. The zoning code restricts massage establishments from locating within 400 feet from a city park or residential development for which we also seek a waiver. While our specific suite space is well over this distance, the land parcel of which we are part is located within 30 feet of a city park to the north and within 66 feet of a residential development to the west. Again, our belief is that these restrictions are in place to protect residents and park visitors from being too close to "massage parlors" of old, not the highly legitimate, nationally franchised, wholesome therapeutic massage clinic that Massage Envy represents. The council granted this requested waiver on the Rock Springs clinic too.
3. Lastly, the zoning code limits hours of operation from 8:00 AM to 9:00 PM. By Massage Envy franchise agreement, franchisees are supposed to operate between 8:00 AM and 10:00 PM M-F; 8:00 AM – 6:00 PM Saturday; and 10:00 AM to 6:00 PM Sundays. We will gladly comply with the hours of operation the City deems appropriate, but if possible, do request a waiver allowing us to operate 1 hour later than the current zoning restriction so that we can operate within required franchise hours. This will allow us to be consistent with the other Massage Envy clinics around the city and nation without likely violating the spirit or intention of this zoning restriction. The council was kind enough to grant this requested waiver in connection with our clinic on West Lake Mead Blvd in the Rocksprings Shopping Center.

Massage Envy Business Philosophy - Massage Envy knows that wholesome therapeutic massage performed regularly and frequently provides dozens of proven health, medical and wellness benefits to our clients. Accordingly, we have established a business model which allows EVERYONE to avail themselves of a truly professional massage, at convenient times and affordable prices.

Professional - Each Massage Envy clinic hires only fully licensed, insured and certified massage therapists who are employees with access to health insurance and who are covered by worker's compensation insurance. Each clinic is 2,800 – 3,500 sq. ft. in size, containing 11-15 therapeutic massage treatment rooms, a lobby with front desk, 1 or 2 business offices, 2 restrooms, a "quiet room", a storage room for linens and lotions, and a break room for the therapists. All interior tenant improvements are finished in accordance with strict franchise design standards consisting of high quality, elegant and tasteful materials and décor giving the clinics

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a consistently professional image. We operate totally professional clinics staffed with certified professional massage therapists – each of whom has successfully passed a company mandated national background screen and a drug test!

Convenient – For the convenience of client's, Massage Envy clinics are located in high quality regional and neighborhood retail shopping centers, and are open 7 days a week for 88 hours as follows; 8:00 am – 10:00 pm Monday – Friday; 8:00 am – 6:00 pm Saturday; and 10:00 am – 6:00 pm Sunday. Everyone is welcome at Massage Envy, but for our clients who want regular and frequent massage therapy on the most affordable basis, we offer a membership plan with monthly dues. Each monthly dues payment pre-pays for a monthly 1-hour massage session (which includes 50 minutes of hands-on bodywork and allows 10 minutes for checking in, consultation with the therapist and dressing.) Prepaid massages which are not redeemed during the month roll over to subsequent months and are available for the entire membership term! Clients may sign up for membership at any Massage Envy location, and enjoy membership privileges at any of the 250+ and growing Massage Envy clinics across the country. With numerous hours of operation, numerous therapy rooms and therapists at each location, and numerous clinics in each market – each located in highly accessible, upscale and reputable retail shopping centers - Massage Envy has made it extremely convenient to get a wholesome therapeutic massage – when the client needs one!

Affordable – Massage Envy has based its business around a membership model, much like Sam's Club and Costco. By having the commitment from our members of guaranteed massages on a monthly basis, we are able to offer extremely affordable prices – often less than half the cost of other massage establishments. Membership programs range from 3 to 12 months in duration and dues are just \$59.00/month. One full body hour-long massage session is included with the monthly membership dues and unlimited additional massages in the month are just \$39.00 each!

Wholesome – Perhaps more than anything else, Massage Envy prides itself in establishing and maintaining the highest standards of cleanliness, decency, morality and wholesomeness in our clinics. Each location is maintained to the highest standards of cleanliness and sanitation! We have a strictly zero tolerance policy relative to any inappropriate, immoral, illegal or unwholesome behavior from either our therapists or customers and immediately report to law enforcement agencies, any such activity on those rare occasions when it may occur.

This rest of this letter will attempt to address frequent questions often asked by municipal planners.

- **Does the proposed development have sufficient parking?** The Massage Envy space is part of the much larger Costco/Shadow Mountain shopping complex which has over 350,152 sq. ft. of retail space and is required by city parking codes to provide 1,491 parking stalls. The developers were very smart and developed 1,969 parking spaces - far more parking than is required - and more than enough for Massage Envy to meet the 2 spaces for each of our 13 therapy rooms the code requires.
- **Does the proposed use comply with all applicable provisions of the Development Code and is the proposed use compatible with all adjacent uses in terms of scale, site design, operation characteristics, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts?** Yes – again, we are locating in a new retail center so there are no considerations relative to physical facilities being incompatible. Our hours of operation are similar to those of the shopping complex and we create no noise, lights, odor, dust or other external impacts.
- **Will the proposed use exceed the capacity of public services?** No, because the Massage Envy operation will merely be a part of the greater retail center, there will not be demands for public services in excess of those already factored into the needs of the shopping center when fully leased.

We hope you will accept this submission and grant a special use permit. Please feel free to call me anytime for additional information or if you have question

Sincerely,

Stephen L. Cook

Regional Developer, Arizona and Las Vegas Regions

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