

Staff Summary Report



Hearing Officer Hearing Date: March 4, 2008

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by **MESSAGE ENVY (PL080039)** located at 1900 East Rio Salado Parkway, Suite No. 150 for one (1) use permit.

DOCUMENT NAME: 20080304dssl01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **TEMPE MARKETPLACE – MESSAGE ENVY (PL080039)** (Stephen Cook, applicant; Vestar TM-OPCO LLC, property owner) located at 1900 East Rio Salado Parkway, Suite No. 150 in the RCC, Regional Commercial Center District for:

ZUP08023 Use permit to allow a massage establishment.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

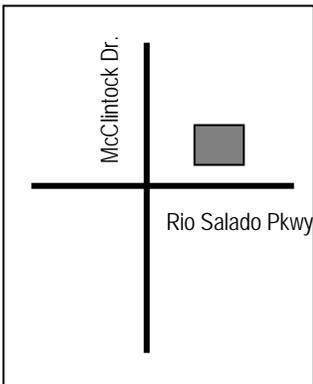
LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions 1-8.

ADDITIONAL INFO:

The applicant is requesting approval of a use permit for a massage facility located at 1900 East Rio Salado Parkway in the Tempe Marketplace. The proposed business, Massage Envy, is a nationally franchised business which offers memberships to individuals for reoccurring massage therapy treatments. Staff is recommending approval of the request with conditions. To date, no public input has been received.



PAGES:

1. List of Attachments
2. Comments; Reasons for Approval; Conditions of Approval
3. History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Site plan
6. Enlarged Site Plan
7. Floor Plan
8. Staff Photograph(s)

COMMENTS:

Massage Envy is requesting approval of a use permit for a massage therapy facility to be located at 1900 E. Rio Salado Parkway. Typical business hours are from 8:00 a.m. to 10:00 p.m., Monday through Friday, 800 a.m. to 6 p.m. Saturday and 10:00 a.m. to 6:00 p.m. Sundays. The business employs twelve massage therapists with varying hours. The facility will offer club memberships, similar to health club memberships, for individuals to receive reoccurring therapy treatments at an established rate. This is a second franchise location for Massage Envy in Tempe; another franchise location was approved in 2004 at the southeast corner of Elliot Rd and Kyrene Road.

Use Permit

The Zoning and Development Code requires a use permit for massage establishments in all commercial zoning districts. Staff supports the use permit as described in the letter of explanation. This use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. The proposed business is compatible with the building and the adjacent businesses. The site has ample parking spaces available to accommodate this use.

Conclusion

Staff recommends approval of the request with conditions. To date, there has been no opposition to this use permit application.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.
6. There appears to be a demonstrated need for this use at the proposed location.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S) OF APPROVAL:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. Any expansion or intensification of use shall require a new use permit to be approved.
5. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.
6. All required State, County and Municipal permits shall be obtained or the use permit is void.
7. All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the use permit becoming effective.
8. All business signs shall be Development Review approved and permits obtained.

HISTORY & FACTS:

April 1, 2004.

City Council approved a use permit for Massage Envy, a membership massage therapy facility located at the southeast corner of Elliot Road and Kyrene Road.

DESCRIPTION:

Owner – Vestar TM-OPCO LLC

Applicant – Stephan Cook

Existing Zoning – RCC, Regional Commercial Center District

**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 6, Chapter 3, Section 6-308- Use permits

**TEMPE MARKETPLACE -
MASSAGE ENVY**

PL080039

SALT RIVER PIMA-MARICOPA NATIVE COMMUNITY

LOOP 202 - RED MOUNTAIN FREEWAY

TEMPE TOWNLAKE

TEMPE MARKETPLACE

RCC

GID

HID

AG

RIO SALADO PKWY

GID

MCCLINTOCK DR

GID

INDUSTRIAL DR

GID

PERRY LA

GID

GID

GID

SMITH RD

GID

CLARK DR

GID

3RD ST

GID

GID

GID

GID

GID

5TH ST

**SITE
RCC**

6TH ST





TEMPE MARKETPLACE - MASSAGE ENVY (PL080039)



Feb. 4, 2008

City of Tempe/Development Services
31 E. 5th Street
Tempe, AZ 85280-5002

Re: USE PERMIT "Letter of Explanation" for a Massage Envy clinic in the Tempe Marketplace.

To Whom It May Concern:

This letter will provide some basic information on the proposed Massage Envy project.

1. **Project Location:** The proposed project is a Massage Envy therapeutic massage clinic to be located at 1900 E. Rio Salado Parkway, Suite 150 Tempe, AZ, 85281 in the Tempe Marketplace Regional Commercial Center at the NEC of McClintock & Rio Salado Parkway. The clinic will contain approximately 3,046 sq ft of space located immediately west of the JCPenny's store.
2. **Project Description:** Massage Envy is a Scottsdale, AZ based, nationally franchised business delivering **wholesome** therapeutic massage on a professional, convenient and affordable basis to "main stream" America. We are the "good guys" offering nothing but legitimate therapeutic massage and DO NOT represent a proliferation of the sort of massage "parlors" of old that have tainted the massage industry with a suspicious image!
3. **Historical Data:** The proposed project will be one of some 400 Massage Envy clinics around the country and one of 25 clinics in the greater Phoenix area already open and operating. It will be located in the Tempe Marketplace previously approved by the Tempe planning and zoning department.
4. **Operational Description:** The clinic will consist of approximately 12 therapy rooms where a variety of massage modalities will be offered to the general public and Massage Envy members. Massage Envy knows that wholesome therapeutic massage performed regularly and frequently provides dozens of proven health, medical and wellness benefits to our clients. We have therefore established a business model which allows EVERYONE to avail themselves of a truly **professional** massage, at **convenient** times, **affordable** prices, in a **wholesome** environment.
 - a. **Professional** - Each Massage Envy clinic hires between 20-30 AZ State 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, a business office, 2 restrooms, a "quiet room", a storage room for linens and lotions, and a break room for the therapists. All interior tenant improvements are completed in accordance with strict franchise design standards consisting of high quality, elegant and tasteful materials and décor giving the clinics a consistently professional image.
 - b. **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. 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! Currently, the average clinic performs some 2,000+ massages every month to an extremely diverse range of clients and members.
 - c. **Affordable** – To make massage affordable, Massage Envy developed a membership model much like the health and fitness clubs. By having the commitment from our members of guaranteed massages on a monthly basis, we are able to offer extremely affordable prices –

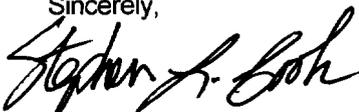
February 4, 2008

often less than half the cost of other massage establishments. Membership programs range from 3 to 12 months in duration and dues are just \$49.00/month. Each monthly dues payment pre-pays for a monthly 1-hour massage session (which includes 50 minutes of hands-on body work and allows 10 minutes for checking in, therapist consultation and dressing.) Prepaid massages not redeemed during the month roll over to subsequent months and are available for the entire life of a membership! Members may enjoy as many additional massages in the month as they please, each for the incredible value of just \$39/one hour session! Clients may sign up for membership at any Massage Envy location, but enjoy membership privileges at ALL of the Massage Envy clinics across the country, currently over 400! Guests do not have to sign up for a membership to use our facilities – everyone is welcome, member and non-member alike - but members enjoy significant cost savings.

- d. **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 built and 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.
5. **Infrastructure:** Massage Envy will use the existing infrastructure of the shell building and merely build out the tenant improvements of our currently "grey-shell" space. The landlord has already provided all the stub out infrastructure services for us to hook into – power, water, sewer, etc.
6. **Other Pertinent Information:**
 - a. Massage Envy will not cause any significant traffic to the adjacent areas above that already planned for as part of the Tempe Marketplace. Our presence here and the traffic we'll create have already been factored into the overall RCC zoning designation of the center.
 - b. Massage Envy will not cause any nuisance in terms of dust, odors, gas, noise, vibration, smoke, heat, pollution, etc. In fact, we are just the opposite – we provide a thoroughly safe, quiet, comfortable and relaxing environment where clients may escape in peace from the hurry, rush, noise and stress of life in 1-2 hour increments!
 - c. Massage Envy will not contribute to the deterioration of the neighborhood or be in conflict with any city goals, objectives or policies. We are excellent corporate citizens, strictly obey the laws and expect and require that our employees and clients do so as well!
 - d. Massage Envy will be totally compatible with the surrounding structures and not result in any disruptive behavior which may create a nuisance to the area or general public.

We hope you will accept this explanation of our business and grant the requested use permit. Please feel free to call me anytime for additional information or if you have questions.

Sincerely,

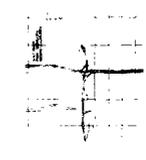


Stephen L. Cook
Regional Developer, Arizona and Las Vegas Regions
Massage Envy



PHASE I - SITE DATA

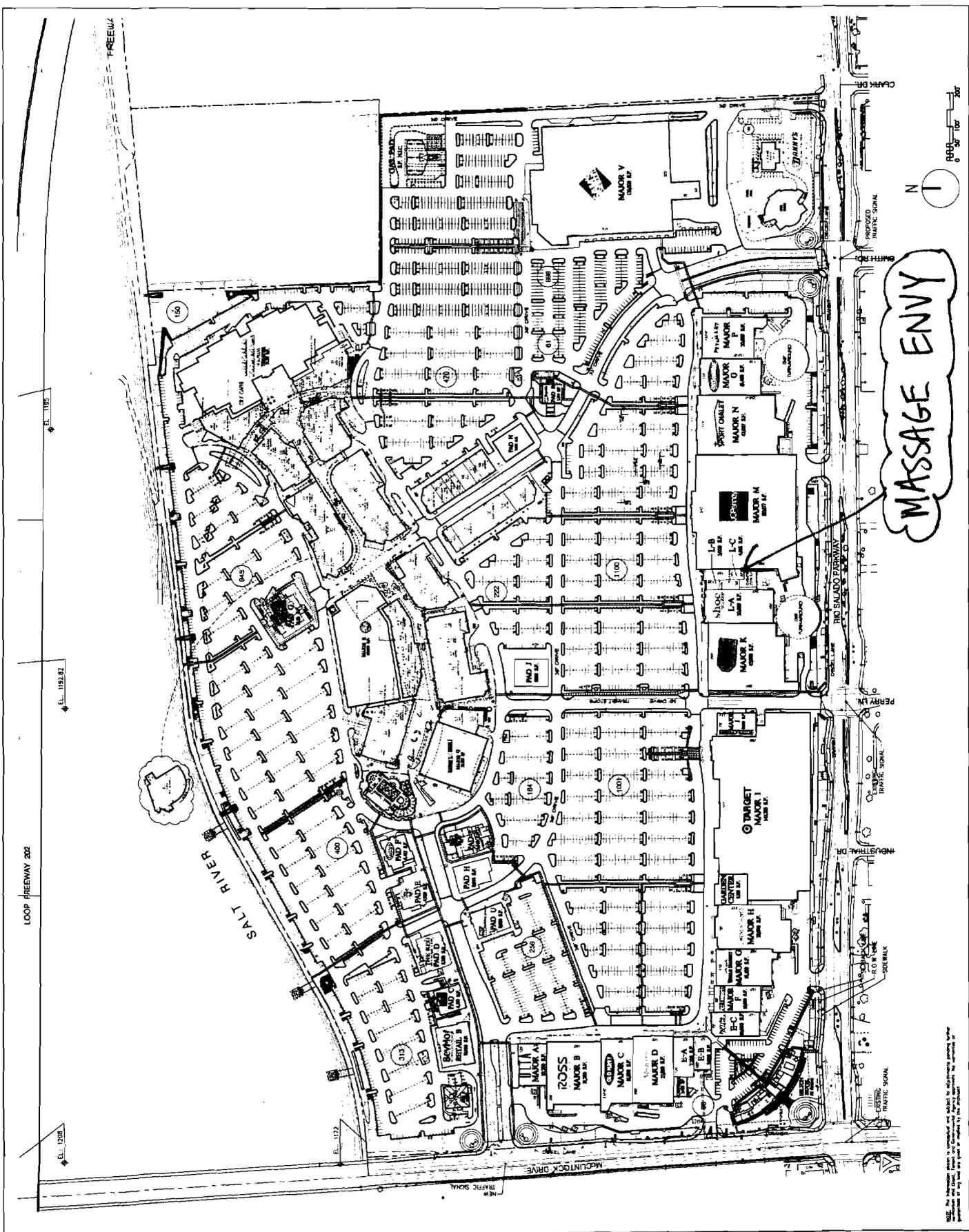
CROSS SITE AREA:	5,100,000 S.F.
NET SITE AREA:	126,000 AC.
NET BLDG. AREA:	1,304,486 S.F.
BUILDING AREA:	119,477 AC.
MAJORS:	70 MAJORS
MINORS:	102 MINORS
THE DISTRICT:	15,177 S.F.
SPECIALTY SHOPS:	224,688 S.F.
HOTEL:	106,977 S.F.
TOTAL BLDG. AREA:	1,304,486 S.F.
COVERAGE:	24%
PARKING REQUIRED PER CITY'S 1987 SP:	5,398 SP
PARKING PROVIDED:	6,811,000 S.F.
PARKING RATIO:	6.811,000 S.F.



SITE PLAN

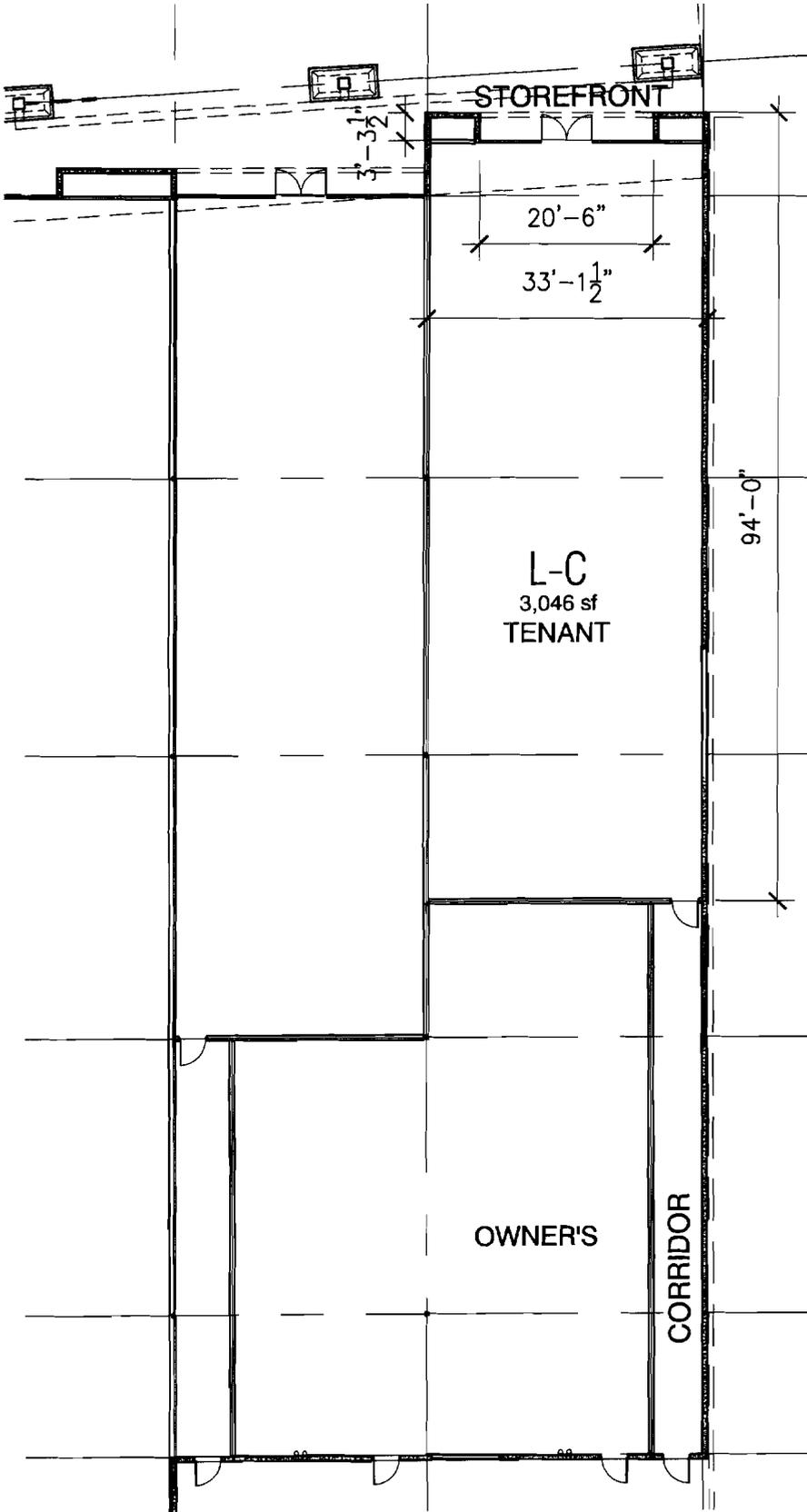
Drawn By:	DAK
Checked By:	RE
Date:	08-27-2007
File Name:	300A OVERALL SITE
Sheet Number:	

A001
LEASING SITE PLAN 08-27-2007



MESSAGE ENVY

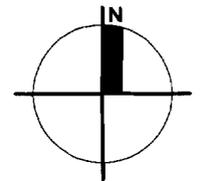
NOTE: All dimensions shown are approximate and subject to field measurements. The information shown on this plan is for informational purposes only. The information shown on this plan is not to be used as a basis for any legal action.



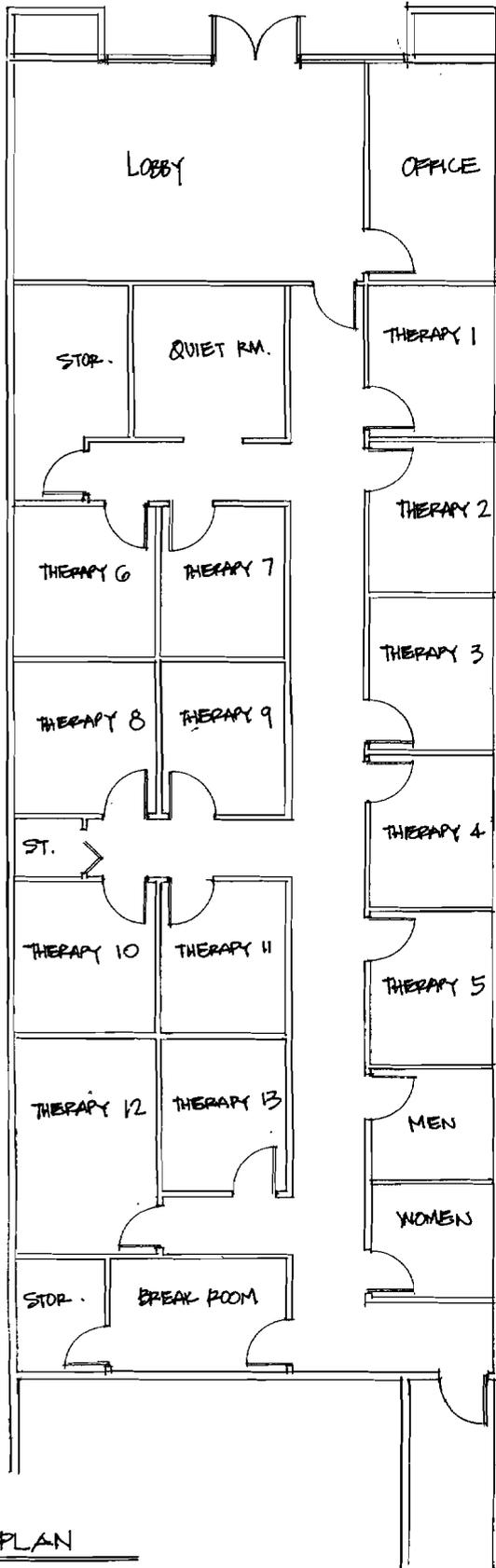
DEVELOPED BY

Vestar

TENANT
 Tempe Marketplace - 1"=20'-0"
 TEMPE, ARIZONA
01.02.2008



HTH **Bd**
Builder, Designer & Planner
 04312



FLOOR PLAN
 1/8" = 1'-0"



MESSAGE ENVY
 TEMPE MARKETPLACE
 RMA DESIGN GROUP
 2/5/08



MESSAGE ENVY

1900 E RIO SALADO PKWY

PL080039

FRONT OF BUSINESS/TENANT SPACE