



City of Las Vegas

Agenda Item No.: 64.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: OCTOBER 21, 2010**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

SUBJECT:
EXT-3965 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS. Discussion and possible action to amend 19.04.010 Table 2 Sexually Oriented Business Conditional Use Regulations. Allow an existing Nude Show or Sexual Encounter Center to be increased, enlarged, extended or altered within the confines of the existing legal lot on which it is located, within the Downtown Centennial Plan area. Staff has NO RECOMMENDATION.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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RECOMMENDATION:

Staff has NO RECOMMENDATION.

BACKUP DOCUMENTATION:

Proposed Amendment, Staff Report and Special Map

Motion made by GUS FLANGAS to Approve

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

GUS FLANGAS, VICKI QUINN, GLENN TROWBRIDGE, RICHARD TRUESDELL, STEVEN EVANS, BYRON GOYNES; (Against-TODD L. MOODY); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Director of Planning and Development, indicated a correction to the Subject section: the term of "sexual encounter center" exists in the code, but it is not part of this discussion. The terms used in Title 19 (Zoning Code) and Title 6 (business licensing) are "sexually oriented businesses" (SOB's). Within that is the category of nude shows, which has to do with entertainment and display of anatomical areas. In the business licensing section, there are two types of establishments, erotic dance establishments or topless clubs with liquor, and these are within the one zoning designation. Also part of this text amendment, there is language in Title 19, Conditional Use Regulation, which says that any business existing as of 1992 that is made nonconforming by the provisions and ordinance may not be increased, enlarged, extended

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or altered, except to change it into a conforming use.

Within the Downtown Centennial Plan area in the C-2 zoning, there are a number of these types of uses in existing buildings that are becoming dilapidated. The issue before the Planning Commission is whether or not to approve this text amendment to allow owners of these types of existing uses to increase, enlarge, extend, alter, and/or fully rebuild. This means that the existing structure could be raised and rebuilt as part of a public hearing of the site development plan review process, as long as that structure is rebuilt, enlarged or expanded and with the required parking on the existing lot.

After affirming with MS. WHEELER that the use could not be expanded beyond the existing property, COMMISSIONER QUINN expressed her support.

COMMISSIONER TROWBRIDGE verified with MS. WHEELER that the text amendment only applies to the existing licensed uses, not to expansion of activity.

TODD FARLOW, Las Vegas resident, said he would not like the text amendment to be used as a form of blackmail, or requiring the amendment before any improvements can be made. Citing the Code, MS. WHEELER explained that the owners of these types of businesses may not alter, extend or increase the structures. CHAIR TRUESDELL agreed that the amendment is not necessary for any owner of such a business to put a coat of paint on his or her structure.

JUANITA CLARK, Charles Lee Neighborhood Preservation, argued that the executive summary speaks about three uses, yet only two were mentioned. MS. WHEELER stated that a topless club with liquor and exotic dance establishments are business license categories. Also, she informed MS. CLARK that the magazine racks are not included in this amendment.

COMMISSIONER MOODY stated the amendment addresses three key terms, and regarded expansion and enlargement as being synonymous. Although he considers improvement to these businesses to be appropriate, he would rather have the option of being able to separate the two, but he could not support enlarging or expanding.

CHAIR TRUESDELL agreed with COMMISSIONER MOODY that he would like to be able to vote no on any enlargement, even if it is minor. COMMISSIONER TROWBRIDGE pointed out that there are existing controls: the lot cannot change and there has to be a certain number of parking spaces per square footage, for which a waiver cannot be obtained.

COMMISSIONER EVANS supported the text amendment, as it allows aging buildings to be renovated and improved within the Downtown Centennial Plan area.

See Item 24 for related backup and Item 66 for related discussion.

CHAIR TRUESDELL declared the Public Hearing closed.