

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** PROPOSED AMENDMENT(S) **

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Sexually Oriented Business	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																				C	C
Description: Sexually Oriented Businesses include the following: - Adult emporium – An establishment which engages in the sale, rental or trade of books, films, videotapes, sexual novelties, discs, magazines and other periodicals and which: - Will or does derive 35 percent or more of its gross revenue from the sale, rental or trade of sexual novelties or books, films, videotapes, discs, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specific sexual activities or specific anatomical areas; - At any particular time devotes 35 percent or more of its inventory floor and wall space to the types of inventory described in Paragraph (a) above; - At any particular time has, as 35 percent or more of its total inventory or any category thereof, the types of inventory described in Paragraph (a) above; or - Holds itself out, by advertising or otherwise, primarily as an outlet for the types of inventory described in Paragraph (a) above. - Adult mini-motion picture theater – An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas. - Adult motel – A motel wherein material is presented, as part of the motel services, via closed circuit television or otherwise, which is distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas. - Adult motion picture arcade – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion pictures, projectors or other image-producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas. - Adult motion picture theater – An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas. - Adult paper rack – Each self operated device or container, except those located in an adult emporium, which is primarily used for the distribution of magazines, papers or periodicals which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas or the advertisement of other sexually oriented businesses. - Massage parlor – Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or services related thereto exposes specified anatomical areas. - Model studio – Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity. - Nude show – Any establishment which provides and permits the viewing of live performances of specified sexual activities or the display of specified anatomical areas upon its premises as entertainment or any attraction for business. This use does not include the display of specified anatomical areas in the showroom of a resort hotel and casino with over three hundred rooms which is subject to the casino entertainment tax described in NRS 463.401 and which is located within the Downtown Casino Overlay District. For purposes of the preceding sentence, a showroom must contain a minimum of 300 seats. Any nude show which takes place at an establishment which is licensed or is required to be licensed to sell alcoholic beverages is subject to LVMC 6.50.430. - Sexual encounter center – Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not limited to, bathhouses, massage parlors and related or similar activities.																					

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USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Sexually Oriented Business (Continued)																				C	C
	Conditional Use Regulations: - No person shall cause or permit the establishment of any sexually oriented business in an area zoned other than C-M or M. In addition, no person shall cause or permit the establishment of any sexually oriented business within 1000 feet of any other sexually oriented business, church, public or private school, day care, teen dance center, park or playground. The distance shall be the shortest distance between two property lines, one being the property line of the proposed sexually oriented business which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed sexually oriented business. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of this paragraph, the term "property line" refers to property lines of fee interest parcels and not leasehold parcels. - The "establishment" of a sexually oriented business includes the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area or the conversion of an existing business location to any sexually oriented business. - Any person establishing a sexually oriented business must first file with the Department of Finance and Business Services the name and address of the business and the type of sexually oriented business to be conducted. - Any business existing as of September 16, 1992, that is made nonconforming by the provisions of Ordinance 3674 shall be permitted to remain in operation provided, however, that: - No such business may be increased, enlarged, extended or altered, except to change the use to a conforming use; and - If any such business is terminated or is abandoned for a period of at least 30 days, any future use of the property shall conform to the provisions of Ordinance 3674. - The provisions of Regulations 3 and 4 above and the provisions of Chapter 19.16 shall apply to sexually oriented businesses; provided, however, that any existing sexually oriented business located in the M Zoning District that was made nonconforming as to a separation requirement by either of the following circumstances shall be deemed a conforming use for purposes of expansion, enlargement or alteration: - The adoption of a different method of measuring distance; or - The intervening establishment within the required separation area of either a protected use or another sexually oriented business. Any such business shall continue to be subject to the provisions regarding discontinuation and removal that are set forth in Sections 19.16.030(A)(3) and 19.16.040, respectively. - Nothing in this Title pertaining to sexually oriented businesses is intended to make legal any business or activity that is expressly declared illegal under any other provisions of the Municipal Code or under any State or Federal laws. - The Special Use Permit provisions of Section 19.04.040(B) do not apply to a sexually oriented business. On-site Parking Requirement: - If less than 25,000 square feet, one space per 175 square feet of gross floor area. - If 25,000 square feet or more, one space per 250 square feet of gross floor area.																				

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**** STAFF REPORT ****

EXECUTIVE SUMMARY

Three such uses (Topless Club with Liquor Business License and Erotic Dance Establishment) exist within the Downtown Centennial Plan.

Each has been in existence for many years. Each is restricted from making physical improvements to the structure. The proposed amendment would allow the buildings to be improved or rebuilt on the existing parcel. Therefore the number of uses would not expand nor would the location of such uses change or move closer to neighborhoods or similar or protected uses.

Rather, this would only allow the replacement of dilapidated structures. As there is virtually no likelihood these uses will be abandoned voluntarily this text amendment would allow the buildings to be improved within the City's downtown.

RECOMMENDATION

Staff recommendation is to allow rebuilding. The proposal at this time is to allow existing Sexually Oriented Businesses licensed as Erotic Dance Establishments or Topless Clubs with Liquor to rebuild the building on the existing legal parcel, including all parking.

NOTICES MAILED

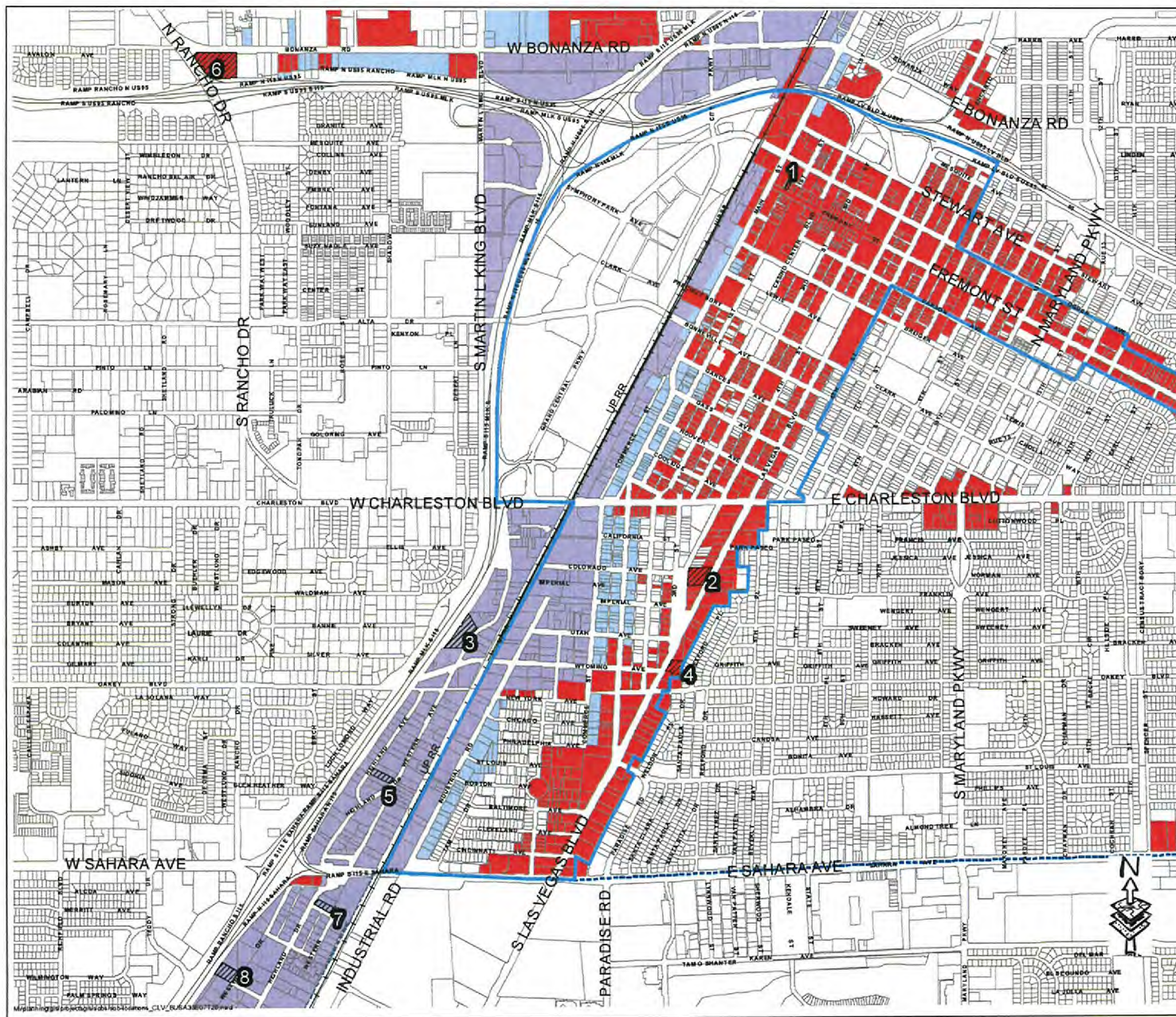
NEWSPAPER ONLY

APPROVALS

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PROTESTS

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City of Las Vegas Nude Shows

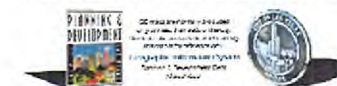
(Business License Equivalent:
Topeless Club w/Liquor and
Erotic Dance Establishment?)

Zoning

- C-M - Commercial Industrial District
- M - Industrial District
- C-2 - General Commercial
- Nude Shows Locations
- Downtown Centennial Plan

Name	Zoning	Special Area Plan
1. Glitter Gulch 22 Fremont St.	C-2	Downtown Centennial Plan
2. Talk of the Town 1238 S. Las Vegas Blvd	C-2	Downtown Centennial Plan
3. Little Darlings 1514 Western Ave.	M	
4. Olympic Garden 1531 S Las Vegas Blvd.	C-2	Downtown Centennial Plan
5. Cheetahs 2112 Western Ave.	M	
6. Larrys Villa Inc. 2401 W. Bonanza Rd.	C-2	West Las Vegas Plan
7. Sheri's Cabaret 2580 Highland Dr.	M	
8. Treasures 2801 Westwood Dr.	M	

SOURCE: City of Las Vegas, Planning and Development Department



Date current as of: October 20, 2010