

MINUTES

CITY PLAN COMMISSION WEDNESDAY, FEBRUARY 13, 2002 PLANNING DEPARTMENT CONFERENCE ROOM 200-2B CITY HALL - SPOKANE, WASHINGTON

MEMBERS PRESENT: Stanley Stirling, President, Ted Horobiowski, Jeff Bierman, David Bray, Karen Byrd, Charis Keller, William Kelley and Jim Wilson.

MEMBERS ABSENT: Candace Dahlstrom and Julie Dhatt-Honekamp.

LIAISON PRESENT: Al French, Council Member.

STAFF PRESENT: John Mercer, Planning Director and Secretary to the Plan Commission; Louis Meuler, City Planner; Dick Raymond, Principal Engineer; Jim MacInnis, Principal Engineer; Lars Hendron, Principal Engineer; and Tim Szambelan, Assistant City Attorney. Ken Pelton, City Planner present at the afternoon workshop.

PUBLIC HEARING

President STAN STIRLING called the meeting to order at 1:14 p.m. This is a public hearing by the City Plan Commission and the proposed amendments to the text of the Spokane Municipal Code regarding Adult Retail Establishments and Adult Entertainment Establishments. The second hearing will be on the Six Year Water and Sewer Capital Improvement Program 2002-2007.

A. *Proposed Amendments to the text of the Spokane Municipal Code with regards to Adult Retail Establishments and Adult Entertainment Establishments.*

LOUIS MEULER advised that this was the second hearing related to the same topic area with copies of the proposal and a map available for review. The main change is in the zoning code relating to how Adult Retail and Entertainment Establishments can locate within the City of Spokane. The location requirements in the main proposal, B2-1 zone, to change from the nearest building to the nearest building to property line to property line and must distant themselves 750 feet from public

library, park, schools, daycare, church and from another adult retail use establishment. Another change would apply these same standards that to uses and zones both within the City of Spokane and outside the City of Spokane. Item 3 clarifies the County zones that would be buffered. The major amendment would include a new zoning category for these uses to relocate; the M1 zone (light industrial zone). The M1-1 zone was removed from the proposal since the hearing in December. Item 3 would continue to exclude the uses from the M2 and the M3 zones. Item 4 regarding the CBD 5 zone downtown, updates the code with the current definitions of adult use entertainments, and makes this zone subject to the special provisions of SMC 11.19.143. Item 5 clarifies Title 10, which controls the hours of operation (could not operate during the hours of 2:00 a.m. and 10:00 a.m).

Mr. Meuler then pointed out on a map where the adult uses could relocate presently verses the proposed changes.

Mr. Meuler responded to Mr. Horobiowski's inquiry as to the reason the M1-1 zone was removed. It was removed because there are still many non-conforming residential uses within this light industrial zone.

Mr. Meuler responded to Mr. Horobiowski's inquiry; the reason for the amendment is to allow for more property to be available for this type of use. Mr. Meuler confirmed that the approximate number of parcels available under the proposed amendment and including the 750-foot separation is 29 potential simultaneous sites and 610 parcels and 360 acres within parcels. This is compared to 7 simultaneous sites from the initial ordinance adoption not including the CBD zone, which is not yet calculated. Today there are 7 uses today in the City of Spokane that are non-conforming and have 1 year from March 9, 2001 to relocate. All 7 of them have requested extensions for the termination dates to allow them time to find an appropriate place to relocate to.

Mr. Stirling opened the floor up for public testimony.

Public Testimony by:

1. Richard Mertens

Tim Szambelan explained that if an adult entertainment establishment legally establishes in a location and if a church locates within 750 feet, that adult use would have non-conforming use rights.

Mr. Meuler explained why the adult uses are mainly located in the northeastern area and the history of the city's zoning geography.

2. Penny Lancaster

Verbatim

3. Karen Roberts

Hello. I'm Karen Roberts. I live at 3804 North Atlantic Street. I'm the southwest corner of Garland and Division, just a mere few feet from my shop and my backyard is, and I will refer to it as my Triple X Boutique. I have always loved my neighborhood. Uh, I am non-judgmental of people's ways of life. We've always had a time of helpfulness to each other when we need it. We have a lot of elderly people in our community and our neighborhood as well. And I'm the night owl. I watch all of the businesses at night for our block watch. And I have learned a new language. I have learned a new way of life that is totally foreign to me.

I'm hear to tell you the impact that the Triple X Boutique has had on me personally, and my small business at my home and what I've observed since the Triple X opened for business. It came in, in the night. I got up the next morning and saw this vivid store painted. It is right next door to a real estate. They have only two parking spots at the Triple X but they use the realtor's parking area all the time.

I work late in my home office at night, from my workshop behind my house, which is my two care garage. I make beds. Um, I use my computer. I face the alley and their lights come right into my office all night long when I'm out there working. I've observed and seen many things that have upset me and my security and well-being and peace of mind. I want to share with you what I consider an unbiased but honest observations and personal experiences I've seen and had. I'm rarely away from my property so I observe a lot. I don't stress observing a lot, it comes to me, I don't need to look for it. My workshop is separate from the house and it's next to the alley so I'm in two areas both facing the alley and back entrance.

Shortly after the Triple X Boutique was open for business, I was working at night, it was around eleven, in my shop alone as my husband was in the hospital. I heard a man yelling at me. I jumped, I turned, obviously I could see what he was doing. He was masturbating and asking me if I would f-- him and other vulgarities. I beat feet for the house. I called 911 and of course he was gone as quickly as I left too.

I am still affected by that. I don't work at night any longer. A neighbor who used to live three houses north of me in the same block had young children that played in this alley that separates us from the Triple X. Nice

little rolling hills and stuff for their skateboards. I got them to watch for traffic. One little boy who had to have been only, maybe 4 says, "What's pornaphy?" to his brother. His brother says, "Oh, dirty pee pee." Why should they have to have this kind of influence? It is affecting them.

At various times around the clock, and I do mean 24 hours a day, I've heard and seen cars and groups meeting in the parking lot, obviously partying. They are all leaving together after they go into the Triple X and get whatever it is that they get. One night a taxi pulled up. Now you have to realize this has been going on since they opened. This isn't just me sitting out there waiting for something to happen. One night a taxi pulled up in the parking lot of the real estate office, he got out, leaned against the door of his car, and a young girl came between the two buildings of the Triple X and the real estate office, and she ... they exchanged something, I'm assuming it was money, and she performed oral sex. She left, he got in the taxi and left. These are all things that are happening outside of the business establishment. Believe me, none of this was going on before this business moved in.

We used to have an all night doughnut shop on the corner of Garland and Division. Many of us night owls couldn't sleep ... we'd meet up there and have coffee and doughnuts. And I love my maple bars. When I die I know that I'm going to maple bar heaven. But, now we don't see anybody walking at night in our neighborhood. We see a lot of traffic and I do mean a lot of traffic.

When they come in the day time, they park in front of our house on Atlantic, walk around through the alley nonchalantly, go into the back entrance, come back out carrying a Nordstrom's or a Bon Marche sack with whatever it is that they just bought.

Now my customers come to my shop and it's a garage. I've had occasions of their children picking up video covers from these videos that they get there. Mothers saying, "Ah, yuck! Get it out. Get in the car, we're leaving." There went my possible sale. This is my business, this is how I live. My husband and I work very hard because we didn't fit the molds, we couldn't get jobs. My husband is disabled with no pancreas, by the way 3 in the state that's living without one. I'm so hurt and so angry because we're not being protected by letting that business come in there in the first place. We're talking less than 50 feet, less than 130 feet from the park. Why? Why? I'm not going to cry today, I promised myself that. Now, besides having to pick up pornography covers, pick up pregnancy tests, fast food wrappers, beer bottles, wine bottles, these are not there before, this is all started since this business opened up. I wear rubber gloves, go out every morning, and pick up condoms, etc.

Now some customers, on a lighter note, you know with the Bon Marche thing, they're daytime people, they're total different group, they're non-evasive, they don't bother. The amount of traffic is heavier on the weekends late at night, and I do mean all night long. Groups meet there. Taxi cab drivers meet groups there. They all leave together once they have one person go in ... come out with a box of stuff. They have a lot of young girls come that come in there with truck drivers in their tractor trailer rigs, without the trailers, that are ... I've learned from my husband that they're probably prostitutes. Um, they're pretty scantily clad and this is in this winter. Am I the neighborhood pinched nose, spinster, busy body? No, I am not. Ever since the incident of this man outside my shop window, I've been on guard. It may seem to some folks that I'm overreacting. I can assure you before this ever happened my neighborhood never had these occasions.

I miss the people walking in the alley hand in hand, walking their dogs. One old man that faithfully walked his dog every night at 9:15. Why 9:15 I don't know but his says, "I'm on time," as he'd go by. He's no longer doing this.

It's open 24/7 guys and it's never caused us any problems before that. My husband and I used to enjoy walking up the alley late at night too. And I've had occasions of customers coming to my house for gas ... they're locked out of their car. I've tried to help them. These are customers of the Triple X Boutique. Several, and I have to say about 3 or 4 times now, after I couldn't help them, I went back to my house cause its gettin dark. They come back 2 hours later and bang on my back door and say, "Hey lady have you got a coat hanger maybe?" Yes I should help my fellow man but guys, come on, I think this is asking a lot. I don't go out at night, even in my back yard. My neighbors don't venture out much at all.

I pray I won't be a target for any of the Triple X followers for giving this testimony today cause I'm really scared for being here today. My husband and my castle is no longer protected by our moat the alley. To me it's full of alligators out to get me. I pray you've all listened to my story and you take it to heart.

Thank you.

Stan Stirling: Any questions?

Karen Roberts: I'm going to hold up what I get in my yard. (Mrs. Roberts holds up a cover to a video)

4. Anne Mertens
5. Paul Hamilton

Mr. Stirling closed public testimony.

Mr. Bray explained to the public that the Commission has an obligation to be fair and meet the needs of the community but they cannot regulate someone out of business. The Commission also needs legislative record to support a decision; increasing the buffer zone to 1000 feet runs the risk of not being supported legally.

Commission members clarified to the public that though 29 sites are zoned as available, it does not make 29 sites readily available for the uses to relocate.

DAVID BRAY made the motion to accept these amendments to the ordinance as written as a recommendation to the City Council.

M/S by CHARIS KELLER.

Ted Horobiowski asked Mr. Meuler to explain the 750 feet verses the County's 1000 feet buffer. Mr. Meuler explained the spatial relationship; the geography within the City is roughly 58 square miles compared to the entire County, which is over 1850 square miles and the zoning configuration leaves limited buffering possibilities for the City.

Mr. Mercer confirmed the motion with Mr. Bray.

The motion passed unanimously.

10 minute break

John Mercer, Secretary