



# APPENDIX C

**PLANNING COMMISSION MINUTES 7.2.85**

**HYDE LETTER 10.24.16 RESPONDING TO DAVIDSON**

Planning Commission Meeting  
July 2, 1985

Present: Snyder, Schink, Best, Hicks, Pullin and Cheney.

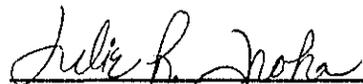
Also present: City Planner Strobusch.

APPROVAL OF MINUTES OF JUNE 5, 1985: Cheney moved to approve the minutes of the June 5, 1985 Planning Commission Meeting. Seconded by Pullin. Carried. 5-0.

EXPANSION OF ST. PAUL'S EPISCOPAL CHURCH CONDITIONAL USE PERMIT (CUP 85-7): Strobusch explained all legal requirements have been met. The proponent's representative, Scott Flanary, who is designer of this expansion, explained that the Conditional Use Permit is requested to add a one story wing to house classrooms and handicapped restroom facilities. The expansion is approximately 2000 square feet. Strobusch explained that staff has visited the existing facility and reviewed the proposed site plan. From a land use standpoint, there are no problems with this expansion. All setback requirements, as well as parking requirements have been met. The Fire Department is checking into fire flows in this area. There was no public comment and Chairman Hicks closed the public hearing. Based on staff recommendations, Cheney moved to recommend approval of the Conditional Use Permit for St. Paul's Episcopal Church expansion, subject to the fire flows being adequately addressed. Seconded by Schink. Carried. 5-0.

CONSIDERATION OF SPECIAL PLANNING COMMISSION MEETING IN JULY: Strobusch explained that City Attorney Smith was in the process of drafting an ordinance concerning the regulation of pornography based on community standards. He has requested that the Planning Commission hold a special meeting to discuss this issue in regards to zoning, etc. Cheney moved to set a Special Planning Commission Meeting for July 17, 1985 at 7:30 PM to discuss community standards. Seconded by Best. Carried. 5-0.

There being no further business, the meeting was adjourned.



Julie R. Troha, Recording Secretary

**SPECIAL PLANNING COMMISSION MEETING**  
July 17, 1985

The meeting was called to order by Chairperson Hicks at 7:30 p.m.

Present: Snyder, Schink, Best, Hicks, Pullin, and Cheney

Also Present: Planning Director Strohbusch, City Attorney Smith, Police Chief Tarry

**PUBLIC HEARING - AMENDMENT TO CITY OF MOUNT VERNON ZONING CODE REGULATING THE LOCATION OF ADULT ENTERTAINMENT BUSINESSES:** Mr. Strohbusch explained that all legal requirements have been met. Chairperson Hicks opened the public hearing. The proponent's representative, Dennis Strohbusch, explained the amendment. The location of adult entertainment businesses is a problem of which the City has become aware during the past several months. One of the major concerns is the blighting influence that these businesses can have on a certain area. At the present time another adult entertainment business could locate next to an existing one and there is concern that this not happen in the downtown area or any other area of Mount Vernon. Research into the matter showed that there are two methods allowed by the Supreme Court in the regulation of adult entertainment businesses: 1) locate them all in one area, as in Boston, and 2) allow them only in certain areas and separate them by a minimum distance. It is method #2 that is being proposed tonight, with the requirement that there be a 1,000 foot separation between any adult entertainment businesses. Mr. Strohbusch explained that the ordinance that was published is a draft only and he recommended that the definition and spacing requirement be added in both C-1 and C-2 zones.

The meeting was turned over to City Attorney Lin Smith. Mr. Smith stated that they have researched the issue extensively but much more research could be done. The special meeting was called so that action could be taken before a "grandfather" clause could take effect (before another adult entertainment business could locate close to the present one). Mr. Smith emphasized that this is a land use action and that we must restrict ourselves on this issue only and not whether pornography should or should not be allowed. There is currently a statute that makes pornography illegal but that is still in the courts. He emphasized again that this is a land use action only.

Mr. Best questioned that there was no reference in the definition concerning nude dancing or live situations. Mr. Smith stated that was not done intentionally and that language could be added at the time the motion was made. There was also discussion whether this ordinance would affect movie picture theaters or movie rental businesses. It was explained that this ordinance deals with adult entertainment businesses where minors are prohibited.

Mr. Best also wondered how large an area 1,000 feet was. Mr. Strohbusch showed them on the map: there would be approximately one business in the downtown area from City Hall to Division and the freeway to the river. Mr. Smith stated that the ordinance could not get too restrictive or it would be thrown out by the courts.

The meeting was turned over to Police Chief Ron Tarry. He highlighted items from his deposition to the City Council several weeks ago. He cited documentation that shows that nude dancing and other adult entertainment are directly related to organized crime. This would constitute law enforcement problems in many vice related activities and there is a tendency for this criminal activity to be site specific.

Chairperson Hicks invited members of the audience to express their opinions.

1. Dick Reitsma, 2006 Cedar Hill Drive, Mount Vernon, stated that he has been in the real estate business for 16 years. He said he consulted with four real estate appraisers in other cities whom he has known for many years and discussed this situation with them. The overall consensus was that property values in the entire neighborhood would decrease and the neighboring property would feel a detrimental effect. The primary function of zoning is to protect neighboring properties and he recommended that adult entertainment businesses not be allowed anywhere in Mount Vernon.

2. Arnold Libby, 4500 E. Division Street, Mount Vernon, stated that he is the owner of the building in which the Green Door is located. He remembers when the downtown used to be very dangerous because of all the bars. He feels that it is not adult entertainment businesses but the places that sell liquor that are the problem in this town.

3. Valerie Ozretich, 929 Broad Street, Mount Vernon, stated that she has lived in Mount Vernon for 42 years. She presented her views on pornography and women's liberation.

4. Ron Meyer, office at 412 Myrtle, Mount Vernon (next to the Green Door). He explained that he moved to that location to get away from all the problems he was having when he was located near the Peking Gardens. He described in detail the types of things that are happening now in the area of his office. He said that he is looking for another place to relocate because he felt that the proximity to the Green Door was detrimental to his business, that his customers did not want to be seen anywhere near a place like the Green Door.

There being no further comments from the audience, Chairperson Hicks asked Mr. Smith to read any letters that had been received.

1. Duane M. Gilliland, 1129C Riverside Drive, Mount Vernon.

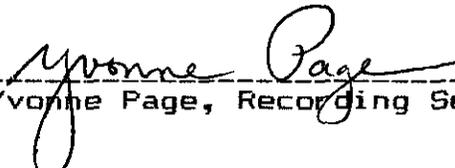
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Mr. Libby spoke again and gave a rebuttal to Mr. Gilliland's letter and Mr. Meyer's testimony.

Chairperson Hicks closed the public hearing at 8:25 p.m.

There was further discussion concerning disturbances, maintenance problems, vacancies, etc. Mr. Cheney moved to recommend that the City Council adopt this ordinance with any minor changes within the concept of the ordinance, including the reference to nude dancing, on the basis that there is a potential problem and in fact probably an existing problem where an adult entertainment business exists, finding that there is an impact of adult entertainment businesses on property values and land use in C-1 or C-2 zones and that the ordinance would be protective of other businesses. Seconded by Mr. Snyder. Carried 5-0.

There being no further business, the meeting was adjourned at 8:40 p.m.

  
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Yvonne Page, Recording Secretary

October 24, 2016

David Davidson  
920 Lincoln St  
Mount Vernon, WA

Re: Zoning for Adult Business at 920 Lincoln # B, Mount Vernon, WA 98273

Dear Mr. Davidson:

Last week you inquired at the Finance Department whether the City allows under its regulations to locate an adult retail store at 920 Lincoln Street #B, Mount Vernon, WA 98273. Under applicable zoning in that location, Mount Vernon Municipal Code does not permit adult retail stores located nearer than 1,000 feet from any other adult entertainment establishment; any public or private school, church, or public park. See Mount Vernon Municipal Code (MVMC) 17.48.020.

The City has confirmed that the location of 920 Lincoln Street #B, Mount Vernon, WA 98273 is located within 1,000 feet of at least one elementary school and a church thereby rendering adult entertainment establishments including adult retail stores at that location a violation under the City's existing zoning regulations. Should you wish to provide any further information regarding this location or use relevant to the City's determination, the City would be happy to consider that information in its position.

This letter constitutes an administrative determination pursuant to MVMC 14.05.060. Appeals must be filed within 14 days of the date of the Administrative Decision and contain the information and all fees outlined in MVMC 14.05.160(C).

Sincerely,



Bob Hyde  
City Community and Economic Development Director

Cc: Finance Director