



City of Las Vegas

Agenda Item No.: 99.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
SPECIAL USE PERMIT

SUP-13362 - REVENANCE ITEM PUBLIC HEARING - APPLICANT: EMPIRE MEDIA -
OWNER: HIGHLINE PARTNERSHIP LP - Appeal filed by the applicant on a denial by the
Planning Commission for a request for a Special Use Permit FOR A 75 FOOT TALL, 20 FOOT
X 24 FOOT OFF-PREMISE ADVERTISING SIGN (BILLBOARD) at 1112 South Martin L.
King Boulevard (UN 162-04-501.000, C-1 [Limited Commercial] Zone), Ward 1 (Tarkanian).
The Planning Commission (7-0 vote) recommends DENIAL. Staff recomends APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	3	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL,
subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting documentation
4. Justification Letter
5. Appeal letter filed by Empire Media Advertising, Inc
6. Submitted after final agenda - Protest letter
7. Submitted at meeting - Protest letters
8. Backup referenced from the 08-10-06 Planning Commission meeting Item 18

Motion made by LOIS TARKANIAN to Deny

Passed For: 4; Against: 3; Abstain: 0; Did Not Vote: 0; Excused: 0
LAWRENCE WEEKLY, LOIS TARKANIAN, STEVE WOLFSON, STEVEN D. ROSS;
(Against-LARRY BROWN, OSCAR B. GOODMAN, GARY REESE); (Abstain-None); (Did
Not Vote-None); (Excused-None)

Minutes:
MAYOR GOODMAN declared the public hearing open.

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KELLEEN COTA, 892 Vegas Valley Drive, appeared on behalf of the applicant and requested approval of the application. Stemming from four neighborhood meetings, efforts were made to incorporate the residents' concerns.

DANIEL DEEGAN, Rancho Manor Homeowner's Association, 1801 Granite Avenue, noted he does not reside within the immediate area but within the community. He was present at the last meeting and is aware that the Rancho Manor residents and residents within the notification area oppose additional billboards in the Rancho Drive/Charleston Boulevard area. He believed the subject area is a critical section of Interstate 15, as there is interweaving traffic entering and exiting from the freeway; the proposed billboard will be facing the traffic going south and could be a hazard. He also expressed concern for possible pollution and the potential opportunity for entitlements resulting from the I-15 expansion and Project Neon. MR. DEEGAN could support an ordinary use on the subject parcel; however, for reasons previously stated and because the proposed commercial use is more intense, he believed it was best to deny the request for the special use permit.

PASTOR JIM HOUSTON HANKIN, First Presbyterian Church, 1515 West Charleston Boulevard, emphasized that they are working very closely with the sign company on a contract regulating the content/messages on the sign. In addition, the church will have right of refusal of any undesired message.

Although the applicant has agreed not to receive proceeds, MAYOR GOODMAN questioned if conditions could be imposed pertaining to entitlements. ASSISTANT CITY ATTORNEY BRYAN SCOTT expressed caution, as he was unsure if such a condition could be enforced by the City. Should the applicant sell the property, he did not believe the City could bind the new owner to this condition. The owner can have a private contract with the sign company, but it cannot be enforced by the City as it would be a constitutional prohibition for regulating content.

MAUREEN PECKMAN, 8302 Carmel Ridge Court, informed the Council that conversations have taken place with the Nevada Department of Transportation (NDOT) and should condemnation take place, the billboard would be relocated. ASSISTANT CITY ATTORNEY SCOTT pointed out that should the sign be relocated to the same parcel, the City would be involved as the applicant would have to appear before Council for a special use permit.

MAYOR GOODMAN expressed concern towards individuals attempting to profit from the much anticipated Project NEON. In essence, he hoped all would act in good faith, as MS. DONDERO concurred.

MS. COTA informed COUNCILMAN REESE that four neighborhood meetings were held and the concerns were previously stated by MR. DEEGAN. In addition, some residents attended hoping to obtain additional information on Project Neon. COUNCILWOMAN TARKANIAN explained that over a period of time, additional meetings were held to clarify the

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issues. Many complaints were received, particularly from the Scotch 80s residents, so she requested notices be sent out for additional meetings. The strong opposition has been voiced previously and the overwhelming opinion from the previous meeting, with seven neighborhood associations present, was in opposition. COUNCILWOMAN TARKANIAN emphasized that many of these residents have lived in the area for over 50 years; only one billboard between Decatur Boulevard and the I-15 has remained.

MAYOR GOODMAN was supportive of the request and PASTOR HANKIN assured him that he desired to go forward with the application. MS. DONDERO added that she attended all meetings held; she recognized that the notice area was comprised of mostly commercial.

ASSISTANT CITY ATTORNEY SCOTT confirmed for COUNCILMAN BROWN that standard procedure requires new billboards go through the City for special use permits. Given the fact that the application meets the criteria for a billboard, the Councilman questioned what grounds does the City have in denying a special use permit for a billboard. ASSISTANT CITY ATTORNEY SCOTT responded that Planning's recommendation for approval is guided by the strict interpretation of the Code; however, the Council has the discretion to determine if the billboard is compatible/harmonious for the area, if there is significant impact on the surrounding developments or if it does not meet with the general plan for the area. MARGO WHEELER, Director of Planning and Development, also informed the Council that if the project meets Code and does not immediately affect residential, there are still conditions that can be placed upon the billboard to address concerns when voiced. Lastly, the subject billboard will be located on a major arterial and will be placed perpendicular to traffic on Martin Luther King Boulevard.

COUNCILWOMAN TARKANIAN thanked the applicant for providing the additional meetings and their efforts in working with the community. The residents feel that the area is sensitive and the application, if approved, would set a bad precedent for the area. In addition, there is already distraction from fast food signs in the area and adding the billboards could compromise safety. The Councilwoman submitted letters for the record, which she concurred with. Although she has approved billboards in the past, she could not support this request given the expressed issues and the strong opposition within the community.

After voting on this item, COUNCILMAN BROWN made comments relative to billboard applications within the past two years. He is strongly concerned with the inconsistencies when approving or denying billboards; thereby, creating unnecessary work for staff. The reviewal process (i.e. embellishments, dual face boards, special use permit boards versus entitlement boards, etc.) needs to be clarified and consistent. A controversial issue is that there are certain billboards that are bad, located in inappropriate locations, or are grandfathered in and cannot be removed. It was his opinion that Council was within their legal means to review policy and create a possible draft version that defines such things as embellishments. In addition, he asked for Council's support on addressing the issue of a moratorium on new applications with the sole purpose of allowing staff to brief Council and the City Attorney's Office to continue working with the industry to compose a new/revised billboard ordinance.

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After presentation, Council will have the opportunity to vote on a public policy that is consistent and alleviate past issues. He asked that a draft be completed by the second City Council meeting in December and to see if Council is willing to move forward with a moratorium. Thereafter, he would like to have a final version within 30 to 60 days.

COUNCILMAN REESE believed that if billboards must exist within Las Vegas, they should be placed on beltways or freeways, such as Interstate 15. He supported Item 99, as the billboard will not be visible to those travelling north and south on I-15. He and COUNCILWOMAN TARKANIAN concurred with COUNCILMAN BROWN'S comments and the possibility of a moratorium.

COUNCILWOMAN TARKANIAN suggested a workshop meeting take place prior to a completed draft. She felt Council needed an opportunity to discuss billboards and their positions in general. She would also like to have open discussion on the possibility of having billboards placed in other parts of the City to alleviate saturation in certain areas.

COUNCILMAN BROWN pointed out that the industry appears to be in agreement on the issues and support Council's efforts in developing a sound public policy for the community.

MS. DONDERO questioned if they would have the opportunity to reapply once an ordinance is established. DEPUTY CITY ATTORNEY LEWIS stated the applicant has one year from this meeting date to reapply. She was certain that the sign companies would be more than willing to work with all involved on establishing an ordinance.

MAYOR GOODMAN declared the public hearing closed.