

CITY COUNCIL MEETING OF
June 20, 2007
VERBATIM TRANSCRIPT ITEM 142

RQR-18678 PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: Z J & R PROPERTIES, LLC - Required Two Year Review of an Approved Special Use Permit (U-0043-94) WHICH ALLOWED A 55 FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 3920 West Charleston Boulevard (APN 139-31-801-018), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

Appearance List:

OSCAR GOODMAN, Mayor

STEPHANIE ALLEN, Attorney, 3800 Howard Hughes Parkway, on behalf of Lamar Advertising

UNIDENTIFIED MALE SPEAKER

GARY REESE, Councilman

TOM McGOWAN, Las Vegas resident

MARGO WHEELER, Director of Planning and Development Department

LOIS TARKANIAN, Councilwoman

LARRY BROWN, Councilman

BRYAN SCOTT, Assistant City Attorney

JAMES SAPP, 1109 Western Avenue

27 minutes

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MAYOR GOODMAN

One forty-two is RQR-18678, public hearing. The applicant is Lamar Advertising. The owner is Z J & R Properties, LLC. Required two-year review of an approved special use permit which allowed a 55-foot tall, 14-foot by 48-foot off-premises advertising billboard sign at 3920 West Charleston Boulevard in Ward 1. The staff recommends denial. The Planning Commission recommends approval, subject to conditions. Its a public hearing which is now open. Yes, Maam.

STEPHANIE ALLEN

Good afternoon again, Mr. Mayor, members of the Council. Stephanie Allen, 3800 Howard Hughes Parkway, here on behalf of the applicant, Lamar Advertising. If I could direct your attention to the overhead, this billboard is located at the corner of Charleston and Valley View. As you can see by the map, this area is an established commercial and quasi-commercial corridor. Just to the east of this site is the Las Vegas Valley Water District. All the way along Charleston, you can see theres C-1 and C-2 zoned property and then along Valley View, as you can see, theres also commercial property going further north on Valley View. This site or this particular board is a completely conforming board

MAYOR GOODMAN

Okay, which one is item (inaudible)

STEPHANIE ALLEN

with respect to your Code. Its not located within the billboard exclusionary zone.

MAYOR GOODMAN

155?

UNIDENTIFIED MALE SPEAKER

This one here.

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COUNCILMAN REESE

151?

STEPHANIE ALLEN

It meets all the separation requirements

COUNCILMAN REESE

Okay.

STEPHANIE ALLEN

with respect to residential separation as well as other billboard separations. Its located within a C-1 zone and it currently has no embellishments on it. The staff report raised two concerns. One of which was with respect to the pole being inconsistent in paint colors. There is the condition of approval that would require Lamar to repaint the board and were happy to accept that condition. So we believe we've addressed that condition in the staff report.

Also at the Planning Commission, the Planning Commission unanimously approved this application and at the Planning Commission, they asked us to agree to a condition with respect to final inspections. They asked that we obtain a letter from a civil engineer that's licensed in the State of Nevada that says that the billboard is structurally sound and we have complied with that. We've sent it to the Building Department and the Building Department has accepted that letter. I'll submit the letter for the record as well.

MAYOR GOODMAN

Thank you.

STEPHANIE ALLEN

So with respect to the staff report, the two issues that were raised, we do believe we have addressed and as I mentioned, this billboard is a completely conforming billboard under the Code requirements. That brings us to compatibility and whether this board is compatible for the area.

This is your radius map, it's kinda hard to see on the overhead, that was sent out with the application and it has a one thousand foot radius around this site. As you can see, most of the property, if not almost all of the property, is either commercial or quasi-commercially zoned. So the area is an intense commercial corridor where we believe a billboard is compatible and nothing substantial has changed within at least this one thousand foot radius, with respect to the area, since the last review. There are some residential along the corners, but we were not aware of any complaints from the residents in the area with respect to this billboard.

Further up Valley View, the Springs Preserve has recently come into play and recently opened, I think, within the last month. At the last review, that was brought up by the Councilwoman and there was mention of some concerns with when the Spring (sic) Preserve is in fact open, whether this would be a compatible and appropriate board for the area. That's why I thought it was important to show the radius map that the City uses and the fact that within a thousand feet of the board at least, it is all commercially zoned.

In an effort to also look at the area, we had someone from our office by the name of Mark Alvarez go down to the Springs Preserve and inspect the site and do somewhat of an informal survey of the area. And I've submitted a letter that he wrote for the record as well. He went down and basically did a survey of the area and the billboards in the area and he put together a map that shows the relation of this site to the Springs Preserve. This area in blue is the entire Springs Preserve property, with the southern boundary at Alta Drive and the northern boundary at the 95 freeway. This is Valley View. I believe the southern portion of this is Southern Nevada Water District property and they got some facilities there, so the majority of the actual preserve is on the north portion of the site. If you can see here in purple, there's a distance separation of about twenty one

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hundred feet from our billboard at Charleston Avenue and the Springs Preserve boundary at Alta Drive.

Further north in pink, theres a billboard that is not owned or operated by Lamar thats further in and closer to the Springs Preserve. Its about fourteen hundred and fifty feet from the Springs Preserve. Also there are some billboards, at least one billboard that were aware of near the Meadows Mall that is closer to the Springs Preserve and also owned and operated by Lamar Advertising. But it is off of the 95. So we think that theres other boards in the area that prove that this board is compatible for the area.

When Mark checked out this site, he also, we had him go into the site and walk the Springs Preserve area. He walked the trail. He went up in the parking lot, which he saw to be the highest point of the site and he put in his letter and take pictures facing south from the parking lot at the Springs Preserve. These are the pictures from the parking lot, facing south. As you can see, you cant see the billboard, thats it, that is at issue today from the parking lot. This is yet another picture, also from the parking lot looking south. So visually, as well as from a compatibility standpoint, we believe that this billboard wont negatively affect the surrounding area.

We also dont believe that those that advertise for the Springs Preserve see it to be an adverse impact because this exact billboard is currently advertising for the Springs Preserve. So we havent heard from them with respect to having any concern and there is an advertisement currently on the board thats before you for that Springs Preserve.

So with that said, we appreciate the Planning Commissions unanimous recommendation of approval. We know that they look at these closely and clearly and consider these critical issues, the billboards in the area. And wed ask that you follow their unanimous approval.

MAYOR GOODMAN

All right. Thank you very much. Any questions of Ms. Allen? Okay, folks. Anybody like to be heard on this?

TOM McGOWAN

Tom McGowan, Las Vegas resident. Another mystery, apparently again. What is the reason for staffs recommendation for denial? And where are their pictures?

MAYOR GOODMAN

Ms. Wheeler, do you wanna address the first part of the question?

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MARGO WHEELER

Again, Mayor, the sign did not have all of its necessary permits at the time that the application was filed and, therefore, staff cannot make a finding of approval. Additionally, as can be seen, the site is considered to be not in good repair due to the paint covering over the graffiti that has not been made of one color.

TOM McGOWAN

I recommend approval of the item with a footnote that may be of interest to the visionary people on the City Council of those who are remaining. The Springs Preserve is a vast area. It would be an ideal location for your next Vegas Grand Prix where it wont interfere with the buses. Put it over there. Thank you.

MAYOR GOODMAN

All right. Would anyone like to be heard?

COUNCILMAN REESE

Shes standing there.

MAYOR GOODMAN

But, move this along. All right. Seeing none, well close the public hearing then. Councilwoman Tarkanian.

COUNCILWOMAN TARKANIAN

Yes. I would like the Council individuals to please note in their records that when I approved the Special Use Permit on March 2nd, 2005, I stated that on completion of the Springs Preserve that I would anticipate not renewing this permit. The Springs has opened this month. I have spoken with Pat Mulroy and with Dick Wimmer regarding this item. They have stated that they would appreciate a corridor to and from the Springs free of billboards and an unobstructed view of the area, all areas in the Springs.

Id like to address some of the points raised here. I would like to point out there are two signs, two billboard signs on Valley View and if you would please put up your map, would you, showing where the sign is located. This sign is not on Charleston. Its on Valley View and it goes in a ways, as you can see. This is Charleston, and show where the sign is, please.

STEPHANIE ALLEN

The sign, the address of the sign is

COUNCILWOMAN TARKANIAN

I know its Charleston

STEPHANIE ALLEN

Okay.

COUNCILWOMAN TARKANIAN

the address of the sign

STEPHANIE ALLEN

The signs located right here.

COUNCILWOMAN TARKANIAN

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Yes. The sign is located right there. So it isn't so surrounded by commercial property. It's got the Water District on that one side and then all the way down the corridor til Springs Preserve. There are only two signs left on Valley View between Sahara and the freeway on Valley View, going to the Preserves (sic). So your sign, the Lamar sign, and one other is the only one left. The other signs that are involved on the freeway; they're not on Valley View.

As far as the ad was concerned, the, neither Pat Mulroy nor Dick Wimmer were aware of that. Their ad agency put the ad, picked that place for the ad and their calls were for them to take down that. They did not want to be part of having something on a billboard in that corridor to the Springs.

And the parking lot where the pictures were taken is not the high point within that area as far as the view is concerned. I want to say that I believe strongly that this is a changing area. Our rotary park, were investing significant money to improve that, Cragen Park, Meadows Mall is involving improvements. The Furr restaurant that has been vacant for so long is gonna be open in a large, really nice, family-style restaurant. And I think the pa, the Springs Preserves (sic) and what they're doing, as far as that corridors concerned, is very important.

So again, I'm stating with the concern of Pat Mulroy and Dick Wimmer, with myself and with the residents in that area, that do to the changing environment in that surrounding area, I move for denial of this sign.

MARGO WHEELER

If I may, Councilwoman, may I add something, please? In the Code, the requirements for, with regard to the imposition of a, once a time limit is imposed by the City Council on a billboard sign, the Code 19.14.100(B)(3) states that the Planning Commission or City Council may require removal of the sign if it is demonstrated that the conditions in the surrounding area have changed in such a manner that the sign no longer meets the standard established in 19.18.060(L). And those findings are the same as the original SUP findings which, therefore, allow the plan, the Council to make their decision if they believe that the use is no longer compatible and harmonious with existing and future land uses. So I just wanted to quote the Code sections with regard to the requirements that the Councilwoman has said with regard to the existing plan, the existing uses of the parks and the Springs Preserve at the Water District.

COUNCILWOMAN TARKANIAN

And I would just like to add that in Ward 1, we would just like to have an avenue up to this wonderful Springs Preserve, which might be similar, to some extent, to the avenues in other parts of our City that don't have billboards.

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MAYOR GOODMAN

I just as a matter of interest because I accept the Councilwomans representations a hundred percent. How long has the Springs Preserve sign been on that billboard?

COUNCILWOMAN TARKANIAN

Mr. Mayor, if I could respond

MAYOR GOODMAN

Yeah.

COUNCILWOMAN TARKANIAN

please, to that.

MAYOR GOODMAN

Yes.

COUNCILWOMAN TARKANIAN

An abeyance on this item was asked two weeks ago. We agreed to abey for them. And the sign was put up during the two weeks. The last two weeks.

MAYOR GOODMAN

How hard is it to take a sign down?

STEPHANIE ALLEN

I honestly dont know the answer as to, I know its changed since the original

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MAYOR GOODMAN

Well, I dont think they can have it both ways, to be honest with you, Councilwoman. I mean, I accept your representation that they say they dont want it but its up there. Let them take it down then.

STEPHANIE ALLEN

Im sure Lamar would be happy to take down that, the advertisement.

MAYOR GOODMAN

I mean it dont (sic) make any sense to me, that theyre complaining to the Councilwoman about it and, nevertheless, its up there for the public. That doesnt make any sense to me.

COUNCILWOMAN TARKANIAN

Oh, no. They did ask. They are getting it down, Mr. Mayor. I believe they are getting it down.

MAYOR GOODMAN

All right.

COUNCILWOMAN TARKANIAN

Its just there hasnt been enough time, this, it hasnt even been up in the last five days, you know, to put, so thats the reason why.

COUNCILMAN REESE

Councilwoman, who gave permission to put the sign up?

COUNCILWOMAN TARKANIAN

Their ad agency picked the signs. In fact, if you were going to do it for the Springs, its in the wrong direction to help the Springs, so I dont know. Its their ad agency. They knew nothing about that being put up there until they saw it.

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COUNCILMAN REESE

Okay. Ms. Allen referenced that one of the billboard (sic) is up closer to the Preserve than this sign here.

STEPHANIE ALLEN

Yes.

COUNCILWOMAN TARKANIAN

Theres one other billboard that is up there, Councilman Reese, and its been up there. It hasnt met its time for review yet. Its the only billboard left up

COUNCILMAN REESE

Yes.

COUNCILWOMAN TARKANIAN

between there and the freeway, between Charleston and the freeway.

STEPHANIE ALLEN

Mister

COUNCILMAN BROWN

Your Honor.

MAYOR GOODMAN

Yes, Councilman Brown.

COUNCILMAN BROWN

Since we have a couple of these billboards, just like to make a couple comments and just get clarification a little bit. Were in this transition period where were working with the industry to better define and be more consistent with the Citys policy. Thats been underway for eighteen months, and it looks like theres going to be some resolution. Theres certainly some disagreement from the policy level on this Board, as far as are billboards good, are billboards bad, areas that are okay, areas that are not okay. That dialogue is continuing. I support the Councilwoman identifying those quasi-residential corridors that ten years ago, 20 years ago, billboards were placed, trying to get a mechanism to clean up those cores in exchange, hopefully, for additional opportunities for the industry.

What I dont understand is the staff report. The Planning Commission voted approval. Staff is recommending denial for, first condition is the permitting which, I think, the industry, weve already beat this dead horse, but the industry is complying with that as best they can. The second one deals with the paint or the aesthetic condition of the board itself. Now, Mr. Scott, is that reason enough to deny a Special Use Permit?

BRYAN SCOTT

Councilman, the Code talks about all the different things that you need in order to, the criteria by which a Special Use Permit is to be granted or denied. One of those is that is, certainly, its not compatible or harmonious with the neighborhood anymore. And one of them is that is doesnt meet current Code. So those two items that you referenced dont meet our current Code.

COUNCILMAN BROWN

Right. Well, the first one, were trying to work with the industry to better define that because that came up within the last year as a new condition

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BRYAN SCOTT

The permitting issue, you mean.

COUNCILMAN BROWN

Right.

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BRYAN SCOTT

Thats always been a condition. Its just one that we havent always enforced.

COUNCILMAN BROWN

Right.

BRYAN SCOTT

I mean, the condition that you have to comply with all of our codes for final approval

COUNCILMAN BROWN

And if we dont enforce something for twenty years and then were going to start enforcing it, we have to at least have the flexibility to allow the industry to respond

BRYAN SCOTT

Right.

COUNCILMAN BROWN

and I think they are responding. But the second one is, if a board is in disrepair, is it the Citys legal position that we can then take the board down or do we give the applicant or the owner of the board the opportunity to remedy the situation.

BRYAN SCOTT

I think the applicant, in this instance, has had an opportunity to remedy that situation at the Planning Commission stage, at the two-week abeyance a couple weeks ago, currently, and it still hasnt been remedied, so

COUNCILMAN BROWN

Thats fair enough. And the third, I guess the third point is Councilwomans justification on the record which I support as far as cleaning up the corridors. But the distance from the Preserve is that defined in our Code? Is it the distance of a destination place like the Preserves (sic) or is it go beyond the Preserve boundaries and a mile corridor south or north of the Preserve.

BRYAN SCOTT

You know, the Code doesnt really get that specific in that, you know, the amount of distance between a subject property and the change. It just talks about whether or not its harmonious and compatible with development in the area or future development to occur in the area. So it doesnt get that specific as to distance, a particular distance but its what the reasonable person would deem to be a reasonable amount of distance to, or a reasonable change within the area to satisfy our Code requirements. So there really, to answer your question, there really isnt a distance separation requirement thats specified in the Code.

COUNCILMAN BROWN

And we dont define the area.

BRYAN SCOTT

We do not define what the area

COUNCILMAN BROWN

The term, the area, is not defined.

BRYAN SCOTT

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No, we dont.

COUNCILMAN BROWN

Okay. Well, the final thing Ill say is, I think some of the conflict weve had with billboards is certainly some inconsistency on the industrys part in doing things that they think are legal and appropriate without kinda letting the City know. Likewise, the City has been very inconsistent on at least the application or the interpretation of our current ordinances and thats part of the reason weve been negotiating for a year to get some consistency and some better clarity in what we have as far as ordinances and what we wanna accomplish with the industry as a whole. So, I would again encourage these negotiations to try to get to some kind of resolution so at least as an individual, and perhaps the Council as a whole, we can be more consistent in sending a message to the industry. I, if theres a billboard fifty feet away from the desert preserve, somewhat along Valley View, but along the 95, is that gonna be different from this board thats three quarters of a mile away from the 95 and the Preserve. Those are the things I just hope we can, from a staff perspective and a legal perspective and a policy perspective, we can start getting more consistent. Either that or we end up in the courts and the only people that make money are the attorneys representing the business and

MAYOR GOODMAN

No I disagree, Councilman, with all due respect. Its worse than that. If we dont have consistency, we dont have clear direction as to what the industry expects, what we expect and concurrence on that, were not gonna end up in a court, were gonna end up two years from now, back in the legislature, where theyre gonna take away our authority to do anything along this line. And thats why I thought it was gonna be our policy not to go into these billboards until we did reach an accord with the industry because were gonna have this discussion every single time and were gonna be punished for it two years from now.

COUNCILMAN BROWN

That was my understanding also.

COUNCILWOMAN TARKANIAN

Mr. Mayor.

MAYOR GOODMAN

Yes.

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COUNCILWOMAN TARKANIAN

I disagree with you

MAYOR GOODMAN

All right.

COUNCILWOMAN TARKANIAN

on the punishment, if we do it appropriately, I don't think that we're getting beat up as much as we keep trying to say we are in the legislature

MAYOR GOODMAN

Okay.

COUNCILWOMAN TARKANIAN

and that's from my direct contact with people I'm told in the legislature that were against this on the billboard issue, absolutely direct contact and word with him when I was up there at the legislature

MAYOR GOODMAN

Okay.

COUNCILWOMAN TARKANIAN

so I don't agree with that.

MAYOR GOODMAN

Fine.

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COUNCILWOMAN TARKANIAN

But lets get back to this consistency. Two years ago, two years ago I stated the problem and Lamar said, well, let us keep it up for two years. Let us keep it up until the Springs Preserves (sic) come in, so I agreed to do that because I figured why keep Lamar from making more profit during the two years they could before the Springs Preserve came into being.

The Springs Preserve corridor we consider from Charleston, which is a major artery, all the way, arterial, all the way to the freeway. Thats what we consider. Now if you ask what do you think is the appropriate distance, I think it does vary from ward to ward, from situation to situation, and I think its the Ward Councilperson that knows best whats happening in their community. I can tell you all the things that are happening in there, all the things that are under the verge to take off. We dont have many places in Ward 1 that are in a position to take off and I just feel we are cowed, continually and continually, by the billboard industry. Im sorry I feel that way, but I do and I feel that this is important for our Ward. **I would ask you to deny it**, please, in consideration and respect for the Ward.

MAYOR GOODMAN

Thats the motion, lets

STEPHANIE ALLEN

Mr. Mayor

MAYOR GOODMAN

Yes.

STEPHANIE ALLEN

Could I address just one comment

MAYOR GOODMAN

Surely.

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STEPHANIE ALLEN
before you vote, please.

MAYOR GOODMAN
Sure.

STEPHANIE ALLEN
With respect to the comment about the pole and us being in conformance with the paint on the pole, this is a picture of the pole that was taken right when this was filed, this review was filed. And really I, were getting a little nit-picky because its the way its addressed in the staff report is theyre different colors of brown. The reason, if there is any difference, is because its old paint and new paint. Theres graffiti issues out there and Lamar takes an active role in going out to their billboards and making sure that they clean up graffiti. So in this particular instance, if there is any color despair, you know, discrepancy, its because they cleaned up their graffiti and its just different colors of brown. Its not like its a billboard thats in, thats a dismantled billboard. I just wanted to put that on the record. We are happy to paint it again. There is a condition there. We will agree to that condition but I dont think theres a reason, frankly, that we need to paint the billboard, but that is the reason and the justification thats in the staff report.
And then one other comment, I know theres a motion on the floor but because the ordinance is pending, just an idea would be, maybe to establish some consistency, maybe allow this to remain for a few months until the ordinance is in effect and then we could come back at that time and determine if this corridor is an appropriate area or not. At that point, hopefully, therell be more consistency in the Code as to what the billboard industry can and cant rely on, but thats just a suggestion. I know theres a motion on the floor.

MAYOR GOODMAN
All right. Thank you.

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COUNCILWOMAN TARKANIAN

Mr. Mayor.

MAYOR GOODMAN

Yes.

COUNCILWOMAN TARKANIAN

I would like to state that one of the conditions that all the boards have are that they are properly maintained at all times and we have had problems with Lamar. Not just in this place, we've had problems with Lamar and we've spoken with officials of Lamar who told us they couldn't take care of all the different signs, the ones that they have. And that was, that's been on the record before. I just wanted to add that. I know what you want to do. There's been such delay in this. This is something that we felt we needed and we need it now. That's all I can say.

MAYOR GOODMAN

Kay. Yes, Sir.

JAMES SAPP

Could I make a public comment?

MAYOR GOODMAN

Were past that point, but

JAMES SAPP

Oh, were past that point.

MAYOR GOODMAN

I'll open it up for public comment. Go ahead. Please tell us your name.

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JAMES SAPP

Well, I see both sides. I

MAYOR GOODMAN

Please tell us

JAMES SAPP

Im James Sapp. Im at 1109 Western Avenue. Ive lived in that area for 40 years and youre mentioning about the corridor. I understand them keeping, taking care of their sign. Im not particularly happy with the corridor from Charleston to the Springs. And Ill mention the shopping center looks good. The Water District, from their building, where their employee entrance is, that, thats not, that doesnt look good. The Alta and Valley View looks terrible. The Water District, when you go down, east on Alta, its a hodge-podge there of mixed-type garden area and so forth where the Preserves (sic) is so I think maybe the Water district should be doing, redoing part of theirs. On the other side of Valley View, its pretty junked up between Charleston from the drug addict place on up there. Its pretty junked up in the City. I dont believe that looks good up there along that fence so.

COUNCILWOMAN TARKANIAN

Mayor.

MAYOR GOODMAN

Yes.

COUNCILWOMAN TARKANIAN

If I may reply to him

MAYOR GOODMAN

Yes.

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COUNCILWOMAN TARKANIAN

You're absolutely right that is Choices and it is junked up and were trying to do something about it. I would like to tell you that where the Water District is, they are building and they are improving landscaping. They just haven't completed it. They've only started a little bit. And part of the reason why you see some of that stuff piled up was the quickness they did in completing the Preserve. But the Water District is committed along that whole route, from Charleston to Alta, to be making improvements.

JAMES SAPP

Thank you.

MAYOR GOODMAN

Thank you. And we're gonna vote on the motion. I just wanna say that the reason I'm gonna be voting the way I'm voting is because I sincerely believe what I said and I know that the Councilwoman had an experience different from mine. But I spoke to these legislators and I'm not gonna put us in harm's way as a result of voting on these billboards signs until we complete our negotiations with the industry and either arrive at an ordinance or not. And that's my position. I understand what the Councilwoman's saying. We're ready to vote, so let's vote. Post, please. (**Motion carried with GOODMAN, REESE and BROWN voting NO**) Motion carries. Thank you.

STEPHANIE ALLEN

Thank you.

(END OF DISCUSSION)

/lc; cv/ac