

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 23, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

ABEYANCE - RQR-22126 - REQUIRED THREE YEAR REVIEW - PUBLIC HEARING - APPLICANT: CLEAN CHANNEL OUTDOOR OWNER: POOLE-SANFORD LLC - Request for a Required Three Year Review of an approved Special Use Permit (U-0010-97) WHICH ALLOWED A 40-FOOT HIGH, 11-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 3901 North Rancho Drive (APN 138-12-110-004), C-1 (Limited Commercial) Zone, Ward 6 (Ross).

IF APPROVED, C.C.: 09/19/07

IF DENIED, C.C. FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

Planning Commission Mtg.

0

City Council Meeting

0

City Council Meeting

0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter For RQR-4270
6. Protest postcards

Motion made by DAVID STEINMAN to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

GLENN TROWBRIDGE, DAVID STEINMAN, STEPHEN EVANS, LEO DAVENPORT, BYRON GOYNES, RICHARD TRUESDELL, SAM DUNNAM; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open.

STEVE SWANTON, Planning and Development Department, stated this is the third review of this billboard and pointed out a final inspection was obtained. He noted the billboard is located within the Rancho Drive right-of-way which requires Nevada Department of Transportation

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(NDOT) and is also located within the Billboard Exclusionary Zone, making it inappropriate for this area. He recommended denial.

LUCAS TUCKER, 300 South 4th Street, appeared on behalf of the applicant. He explained the billboard had been approved before the ordinance creating the Billboard Exclusionary Zone was approved by the City Council, so the Billboard Exclusionary Zone was not a substantial basis for denial. Based on his conversation with NDOT, MR. TUCKER suggested NDOT does not have the ability to grant approval for this billboard and the condition is not enforceable. He requested approval with the deletion of Condition 3.

TODD FARLOW, 240 North 19th Street, expressed concern with the billboard's appearance.

COMMISSIONER STEINMAN observed that the billboard had an additional, non-conforming sign face. MR. TUCKER responded by suggesting that the condition limiting the sign faces was not an enforceable condition as sign faces were not limited in the City's Code. CHAIRMAN DAVENPORT and COMMISSIONER STEINMAN pointed out the condition was part of the billboard's 2004 approval. DEPUTY CITY ATTORNEY JAMES LEWIS stated Title 19 clearly gives the Commissioners the ability to apply reasonable conditions to Special Use Permits such as limiting billboards to one sign per face. He stated that condition is valid and enforceable. MR. TUCKER then acknowledged that additional sign face was not allowed.

In response to MR. TUCKER's assurance that the applicant would abide by the requirements of the still-in-progress billboard ordinance, COMMISSIONER TRUESDELL pointed out this billboard is being reviewed under the city's existing billboard requirements.

DEPUTY CITY ATTORNEY LEWIS clarified that the recommendation for denial was based on the applicant's failure to follow the reasonable conditions placed on the last approval and COMMISSIONER STEINMAN agreed.

CHAIRMAN DAVENPORT declared the Public Hearing closed.