



City of Las Vegas

Agenda Item No.: 67.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: DECEMBER 16, 2009**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

SUBJECT: RQR-3468 ABEYANCE ITEM REQUESTED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC OWNER: BRIGHT PATH, LLC - Request for Required Review of a previously approved Special Use Permit (SUP-4521) FOR A 40-FOOT BY 48-FOOT OFF-ROAD BILLBOARD SIGN at 8240 South Valley View Boulevard (APN 139-31-801-002), C-1 (Limited Commercial Zone), Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

2

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for SUP-4521
5. Protest Postcards
6. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 23

Motion made by LOIS TARKANIAN to Hold in abeyance to 6/16/2010

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN,
GARY REESE, STAVROS S. ANTHONY; (Against-STEVEN D. ROSS); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

COUNCILWOMAN TARKANIAN commented on the fluidity of the area and requested a six-month abeyance.

ATTORNEY PAUL LARSEN, 300 South Fourth Street, and ROD CLARK, Clear Channel, requested the item go forward at this time. COUNCILWOMAN TARKANIAN noted there is a legal issue pertaining to another billboard and she would like more information in order to

CITY COUNCIL MEETING OF: DECEMBER 16, 2009

evaluate the situation. ATTORNEY LARSEN countered that the City was sued by Lamar as a result of a denial of another billboard. The Court found the denial arbitrary and capricious and the ruling was appealed. The appeal has now been withdrawn. COUNCILWOMAN TARKANIAN replied that this is a gateway to the Springs Preserve and a corridor the City is trying to beautify. There is no impact on the billboard which continues to exist pending the abeyance.

COUNCILMAN ROSS and DEPUTY CITY ATTORNEY JAMES LEWIS discussed the practice of defending the City against litigation, including those involving billboards. Those lawsuits that are concluded at the District Court level, take approximately 30 to 50 staff hours. Those that are appealed take double or more than that. COUNCILMAN WOLFSON added that these are in-house City lawyers. DEPUTY CITY ATTORNEY LEWIS confirmed internal staff defends the City. ATTORNEY LARSEN replied that there are provisions in State law that the City may have to pay the prevailing parties attorney fees and costs.

MAYOR GOODMAN declared the Public Hearing closed.

