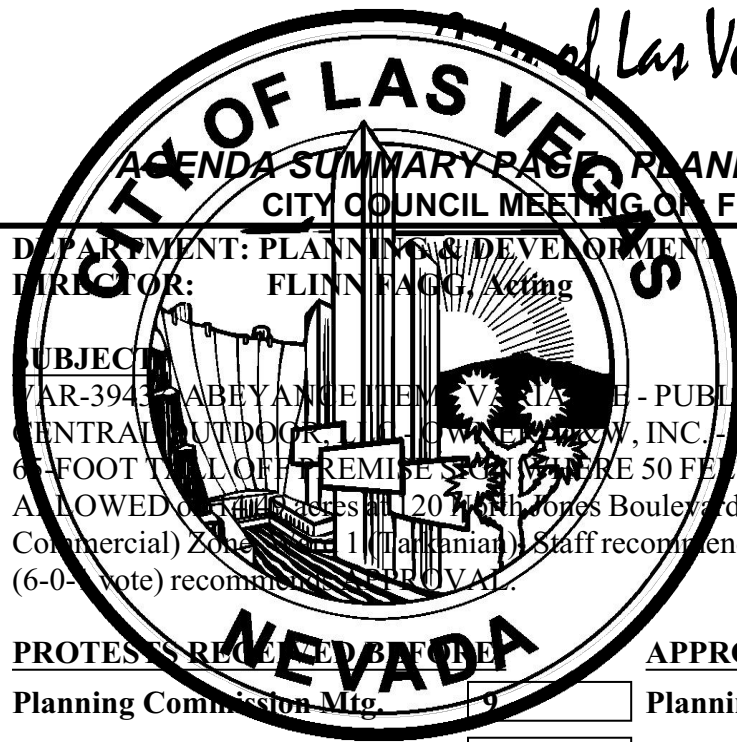




City of Las Vegas

Agenda Item No.: **64.**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF FEBRUARY 2, 2011**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: FLINN FAGG, Acting**

☐ Consent ☒ Discussion

SUBJECT: VAR-39433 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR L.L.C. - OWNER: KROWE, INC. - Request for a Variance TO ALLOW A 65-FOOT TALL OFF PREMISE SIGN WHERE 50 FEET IS THE MAXIMUM HEIGHT ALLOWED on Highways at 2014th Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, and 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

9

City Council Meeting

5

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

2

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - VAR-39433 and SUP-39432
2. Conditions and Staff Report - VAR-39433 and SUP-39432
3. Supporting Documentation
4. Photos - VAR-39433 and SUP-39432
5. Justification Letter - VAR-39433 and SUP-39432
6. Protest/Support Postcards VAR-39433 and SUP-39432
7. Abeyance Request Letter by Kaempfer Crowell Renshaw Gronauer and Fiorentino VAR-39433 and SUP-39432
8. Combined Verbatim Transcript for VAR-39433 and SUP-39432
9. Backup referenced from the October 21, 2010 Planning Commission Meeting for VAR-39433 and SUP-39432

Motion made by LOIS TARKANIAN to Hold in abeyance Items 64 and 65 to 3/2/2011

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

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

NOTE: Subsequent to the meeting the Combined Verbatim Transcript was made a part of the Final Minutes.

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

Minutes:

MAYOR GOODMAN declared the Public Hearing open for Items 64 and 65.

ATTORNEY JENNIFER LAZOVICH, representing Lamar Central Outdoor, LLC, requested abeyance based on her understanding that no action can be taken on these two applications until the existing billboard is removed by Lamar. While the applications should not have been accepted by staff, they were accepted, processed, heard and approved by the Planning Commission. Because of this, the City Attorney has determined that while the applications can proceed, the billboard must be removed before any action is taken by the City Council. Once the existing billboard is removed, the property owner does not have the right to erect a new billboard within 12 months, and the City Council will be free to act on the present applications.

DEPUTY CITY ATTORNEY JAMES LEWIS stated that there was an existing condition on the special use permit indicating that upon demolition of the existing billboard a new special use permit would be required on the site. Therefore, if Lamar removes the existing billboard, this Council may act to approve the new special use permit.

COUNCILMAN ROSS asked if the City is requiring Lamar to take the board down in order for the Council to perhaps approve another special use permit which is turned back to him.

DEPUTY CITY ATTORNEY LEWIS stated that the Council has that discretion, but the condition was worded such that an existing billboard would be standing within 750 feet; therefore, it would not be valid.

ATTORNEY LAZOVICH indicated that the existing billboard would be replaced with one that has power. DEPUTY CITY ATTORNEY LEWIS clarified that the City is not making Lamar do anything. Lamar has chosen to come in with a special use permit application for a new billboard.

ASSISTANT CITY ATTORNEY BRIAN SCOTT explained that Lamar can keep the existing billboard; however, Lamar wants a billboard with power to have lighting, but the property owner will not allow it. Because Lamar cannot reach an agreement with that owner, Lamar is choosing to erect a powered billboard on the adjacent property. If the condition agreed to initially is expunged because the existing billboard is voluntarily taken down, Title 19 would apply, and the applicant would have a one-year period in which the special use permit would remain.

COUNCILMAN ROSS felt that the City is sometimes business restrictive, adding that it is difficult to plan within a one-year timeframe.

COUNCILWOMAN TARKANIAN believed that the lawyers for both parties will resolve this matter. She commented that to her understanding, the property owner insisted that he would never agree to adding power to the billboard, and she asked if Lamar has anything in writing to that effect. ATTORNEY LAZOVICH said that she would look for a written document. She indicated, however, that SCOTT NAFTZGER, Lamar Central Outdoor LLC, had numerous conversations with the owner, but the easement was never signed, and it is in Lamar's best interest to put power on the board.

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

TODD FARLOW, Las Vegas resident, verified that if another billboard is erected, the existing one cannot remain. He noted that all billboards should be allowed to have neon.
ANTHONY HODGES was present.

MAYOR GOODMAN declared the Public Hearing closed for Items 64 and 65.

