

CITY COUNCIL MEETING OF
April 20, 2011
VERBATIM TRANSCRIPT ITEM 64

DIR-41270 DIRECTORS BUSINESS NON-PUBLIC HEARING APPLICANT/OWNER:
OASIS LAS VEGAS, LLC Appeal of the denial of a building permit (#182465-C-11) by
the Director of the Planning Department for an Off-Premise Sign at 110 North Jones
Boulevard (APN 138-25-404-008), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

Appearance List:

OSCAR B. GOODMAN, Mayor

MAREN PARRY, Attorney, Ballard Spahr, 100 City Parkway, Suite 1750

GARY REESE, Councilman

BRYAN SCOTT, Assistant City Attorney

JIM LEWIS, Deputy City Attorney

LOIS TARKANIAN, Councilwoman

FLINN FAGG, Acting Director, Planning Department

15 minutes

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MAYOR GOODMAN

Item 64, DIR-41270. Directors Business, Non-Public Hearing. The Applicant/Owner is Oasis Las Vegas, LLC. Appeal of the denial of a building permit by the Director of the Planning Department of an Off-Premise Sign at 110 North Jones Boulevard. This is in Ward 1. The staff recommends denial, and thats it. Yes, Maam.

MAREN PARRY

Good afternoon Mayor, City Council. Maren Parry from the law firm of Ballard Spahr, at 100 City Parkway, Suite 1750, representing the owner of the property, Oasis Las Vegas, LLC, and the party that was denied the building permit. The Planning Department has indicated that the denial of the building permit is based on the propertys lack of a valid special use permit and that the property does not have a valid special use permit because the off-premise sign that had been there for 30, or since, lets see, since the 80s had been voluntarily demolished. And, as the property owner who had the sign and who bought the property because the billboard was there, we would just like to submit that we did not voluntarily demolish the sign, that upon finding out that our tenant had taken action to demolish the sign and to make efforts to put up a sign elsewhere that would preclude us from keeping the sign there, my clients hired people to draw plans to try to get their own permit. They hired consultants, lawyers, people who could be here to help demonstrate that they did not voluntarily want the sign to be gone. And, we would just like to submit for the record our objections, which were submitted at the City Council meeting on March 16, 2011 on applications SUP-39432 and VAR-39433, and I would submit that these objections, as well as the other things that I have just mentioned, demonstrate that we didnt voluntarily take down the sign and request that this building permit be approved.

MAYOR GOODMAN

All right. Thank you. Mayor Pro Tem?

COUNCILMAN REESE

Yes, Your Honor. Maam, with all due respect, I believe that previous sign owners tried to work with your, person that youre alluding to today, and he refused to help them. He knew at the time

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that they was gonna move, buy the property and build the sign, and so weve been through this many, many times, and Im gonna follow staffs recommendation. I dont know what Councilwoman is gonna do, but Im gonna follow staffs recommendation for denial of this item, so.

MAREN PARRY

Okay.

COUNCILMAN REESE

I feel like theres been plenty of time to get this all worked out. They didnt take the time and now we have another sign there, so theyre not compliant, in compliance any more, and thats the reason why I think staff denied it, and Im just tired of it.

MAREN PARRY

Okay.

MAYOR GOODMAN

Okay. Well, basically, as I understand it, youre really asking to supplement the record. I mean, thats why youre here today.

MAREN PARRY

You know, I received a request to attend and to just put into the record our objections that were there, that

BRYAN SCOTT

What is she supplementing it with?

MAREN PARRY

Im not submitting

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MAYOR GOODMAN

Well, I think that

MAREN PARRY

Im not submitting anything to you.

MAYOR GOODMAN

she has some documents that shes moving to

MAREN PARRY

You know, actually, all I brought was, this was what we tried to submit. I dont even need to hand em to the Clerk. Im just letting you know that

BRYAN SCOTT

You know, some of those documents they submitted the last time we deemed to be irrelevant based upon the fact

MAYOR GOODMAN

Right.

BRYAN SCOTT

that they were trying to introduce things they hadnt introduced into their original presentation. I dont believe that would be appropriate, at this time, to accept those documents.

MAREN PARRY

Thats fine.

MAYOR GOODMAN

Okay, thats your advice.

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MAREN PARRY

It, its on the schedule, and were here to tell you we still

MAYOR GOODMAN

Okay, fair enough. As long as

MAREN PARRY

Still our feeling.

MAYOR GOODMAN

theres no problem. Okay. Any other questions?

JIM LEWIS

Mr. Mayor, just one more thing

MAYOR GOODMAN

Mr. Lewis.

JIM LEWIS

with regard to supplementing the record

MAYOR GOODMAN

Theres no reason to. Shes withdrawing it.

JIM LEWIS

Yeah. Well, whats really important to say, though, is that there, her oral statements are different than the statements made at the last hearing, and I would hate for that argument to be used if we were in fact sued on that application. They cant also boot strap these arguments into the last hearing. So, Id just like to put that on the record as well.

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MAYOR GOODMAN

Okay

JIM LEWIS

Thank you.

MAYOR GOODMAN

well, everybodys putting things on the record, and the record will speak for itself at some inappropriate time. All right, thank you very much. All right, may I have a motion, please. This is Councilwoman Tarkanian.

COUNCILWOMAN TARKANIAN

The last time we met on this, and I would state to my colleague Mr. Reese, I do not believe that the owner of the property knew that they were going to take the sign down. I think they would have been much more upset earlier if they had. But this is the situation as I see it. There was a sign there; it was taken down by the people who put the sign there. They moved it to an adjacent location. They had the right to do that, according to what weve gone through already and the vote that was taken. Now we have your client coming to put another sign up, but my understanding is thats not allowable even there because its too close to the sign were (sic) talking about originally.

FLINN FAGG

Mr. Mayor, through you, it is true that the applicant has submitted a special use permit. Staff is in the process of reviewing it. We have not come with a recommendation yet, so I think it would be inappropriate for us to discuss an application that we havent fully reviewed.

JIM LEWIS

But if, Mr. Mayor, I think I can clarify for the Councilwoman, or no?

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MAYOR GOODMAN

Go ahead. I dont know why were doing this, to be quite honest with you.

JIM LEWIS

Okay.

MAYOR GOODMAN

But go ahead, Mr. Lewis.

JIM LEWIS

No, the issue here is, weve got, we had a request for a building permit to re-install the sign that was removed, and based upon conditions of approval on that sign, previously, you cant re-install the sign without a new special use permit. There was no special, no new special use permit, therefore, staff rejected the building permit, and thats why its here before you. Just dont want things to be misinterpreted or misconstrued later on. Thats the reason why staff is recommending denial --

MAYOR GOODMAN

All right.

JIM LEWIS

and affirmance of the appeal. Thank you.

MAYOR GOODMAN

Fine. Councilwoman?

COUNCILWOMAN TARKANIAN

Well, I move to uphold the denial, and I also would like to say they certainly have a better looking, nicer speaking individual here today. They were, this is was a really smart move on their part.

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MAREN PARRY

Well, thank you. I appreciate it.

COUNCILWOMAN TARKANIAN

Youve done a good job and

MAREN PARRY

And if I may just say, part of the reason that were here is that this was actually denied prior to you, this particular building permit was denied prior to the granting of the other special use permit. So, this process actually started and was appealed prior to that other granting. So, it kind of was already started in motion and thats why were here, not just to be really annoying.

COUNCILWOMAN TARKANIAN

Well

MAYOR GOODMAN

No, no one bothers us.

COUNCILWOMAN TARKANIAN

anyway, you werent annoying.

MAYOR GOODMAN

All right, theres a motion. Lets vote on it quickly.

COUNCILWOMAN TARKANIAN

I move to follow staffs recommendation for denial.

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MAYOR GOODMAN

Okay. Post, please. Motion carries. **(Motion carried unanimously)**. Thank you.

MAREN PARRY

Thank you.

(END OF DISCUSSION)

/ac;gpb