

PLANNING COMMISSION MEETING OF

May 10, 2011

VERBATIM TRANSCRIPT ITEM 30

SUP-41200 SPECIAL USE PERMIT PUBLIC HEARING APPLICANT/OWNER: OASIS LAS VEGAS, LLC Request for a Special Use Permit FOR A 50-FOOT TALL, 14 FOOT X 48-FOOT OFF-PREMISE SIGN at 110 North Jones Boulevard (APN 138-25-404-008), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

Appearance List:

STEVEN EVANS, Chair

DOUG RANKIN, Planning and Development

TIM MULLINER, Attorney, Ballard Spahr, 100 North City Parkway, Suite 1750, representing
Oasis Las Vegas, LLC

UNIDENTIFIED SPEAKER

BRYAN SCOTT, Assistant City Attorney

TODD FARLOW, Las Vegas resident

VICKI QUINN, Commissioner

FLINN FAGG, Acting Director of Planning Department

(7 minutes)

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CHAIR EVANS

Number 30 is Special Use Permit 41200. The applicant and owner is Oasis Las Vegas, LCC and its for a 50-foot tall, 14-foot by 48-foot off-premise sign at 110 North Jones Boulevard in Ward 1. Staff can we have a report, please.

DOUG RANKIN

Mr. Chairman, the applicant is requesting to re-establish an off-premise sign, which was removed on February 16, 2011. In order to re-establish the off-premise sign, a new special use permit is required. The subject off-premise sign is proposed to be constructed 50 feet from an entitled off-premise sign, located at 120 North Jones Boulevard, and approximately 260 feet from a property line of a lot which is zoned R-1. The minimum spacing requirements cannot be varied, per Title 19, and, as such, the requested special use permit for an off-premise sign cannot be approved. Please note, we have received additional letters of protest since publication.

CHAIR EVANS

Thank you. The applicant?

TIM MULLINER

Good evening, Mr. Chairman, members of the Commission. My name is Tim Mulliner, 100 North City Parkway, Suite 1750. Im an attorney with the law firm, Ballard Spahr, and Im here on behalf of the applicant, Oasis Las Vegas.

I guess, Im not sure how much the Commission remembers the special use permit at issue in our application here, but were no stranger to the Commission or the City on this issue. I wanna backup a little bit and provide just a little more context than what the staff report provides, and that is, because theres some important facts missing there.

My client owns the property at 110 North Jones property, which has enjoyed a special use permit since, at least, 1997. It had a billboard on it prior to that, but the special use permit, as noted in the staff report, has been around since 1997. Two thousand and one, the prior owner of that property leased to a company you may be familiar with, Lamar, to put up a billboard. They were the lessee under a lease with my client as the purchaser of that property.

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A year ago, Lamar came in before the Commission on its own application to get a special use permit at 120 North Jones. Obviously, the distance requirements that staff noted would have precluded that special use permit, but, for whatever reason, Lamar, on behalf of the owner of the 120 North Jones lot, was able to get a special use permit. And in so doing, took ours away, I guess is, what has been concluded from all of that. Since then, my client has done everything, at that level and this new level now, to demonstrate that it never had any desire to allow its special use permit to go away. It did not demolish, take down any part of its sign, and were here before the Commission today asking the Commission to grant us the special use permit that was taken away without our volition.

UNIDENTIFIED SPEAKER

Okay.

CHAIR EVANS

Thank you very much.

BRYAN SCOTT

Could I, can I just clarify one point, Mr. Chairman?

CHAIR EVANS

I was just gonna ask if youd make a comment, please.

BRYAN SCOTT

Just one, the reverse is true, the gentleman spoke about the billboard. The billboard was taken down first, and then the SUP was granted. So, there was no SUP in place before the billboard on the adjacent site was taken down, so.

JIM MULLINER

I should clarify. At the Commission level, I believe, the Commission voted in favor of the special use permit and the variance that went along with it, but was requested by the adjacent property owner. When it went to City Council, it was held in abeyance until Lamar, actually, without the

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consent of my client, went and took down a portion of that sign.

BRYAN SCOTT

And just another point of clarification, too, also, Mr. Chairman, there was an existing condition on this particular billboard that said that if the billboard was voluntarily taken down, then they would have to come in and apply for a new special use permit. And the voluntary taking down is not necessarily by the property owner, but the property owner of the sign, which was Lamar at the time.

CHAIR EVANS

Thank you. Anything further you wanted to say on behalf of your client?

JIM MULLINER

No, no. I other than, you know, what the question I would have, if I were the Commissioner, what do you want us to do? What are you here for, and what were asking through this building permit? This piece of the puzzle is to give us what was taken away. The discretion that was used in the first instance, upon Lamar and the adjacent property's (sic) owner's application, we ask the Commission to use that same discretion to the extent as it exists to allow our special use permit, which has been around for a very long time.

CHAIR EVANS

Thank you very

TIM MULLINER

And, I'm sorry, was, the, in connection to a billboard, which was the only improvement on this property, so it's a very important aspect of this real property.

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CHAIR EVANS

Thank you. This was advertised as a public hearing. Did anyone wish to speak? Mr. Farlow.

TODD FARLOW

Thank you. Todd Farlow, 240 North 19th Street. This is odd because either here or at the Council meeting, one of the thing, they came up and they said it still exists, because part of the pipe was still in the ground. So, it cant be both things. But, basically, I think that they ought to settle it by a dual.

CHAIR EVANS

Thank you very much. Anyone else wish to speak? Seeing none, Ill close the public hearing. Commissioners?

COMMISSIONER QUINN

Yeah, if I may. I was out there today, and I sat in that parking lot and there, Ive never seen more signs in my life that are unkempt. They have nothing on them. But, unfortunately, per Title 19, we cannot put a sign, your sign next to this existing sign because its too close. And I feel, after consulting with our Attorney, prior to my recommendation to, we cant settle this at this board. I have to make a **motion for denial**. And then, at the re, at your, whatever you wanna do with Lamar, is that correct, Mr.

BRYAN SCOTT

Yeah. And I believe theres also, I dont believe it meets residential adjacency standards also.

COMMISSIONER QUINN

Yeah. It its just a mess over there, and even if I said, go put up your sign, I wouldnt be doing my due diligence to my ward because theres already a sign, like, right there. So, your beef is with Lamar, and, its, and, unfortunately, we cannot settle it at this Commission.

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CHAIR EVANS

Motion?

COMMISSIONER QUINN

So, my **motion is for denial of Number SUP-41200**, and I hope you can work it out.

CHAIR EVANS

Thank you. We have a motion for denial, following the recommendation of the staff. Please cast your vote. **(Motion carried unanimously)** And that motion has been approved and the matters been denied.

FLINN FAGG

This item will go forward to City Council on June the 15th.

JIM MULLINER

Thank you.

CHAIR EVANS

Thank you very much.

(END OF DISCUSSION)

/ac; gpb