



City of Las Vegas

Agenda Item No.: 41.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: NOVEMBER 8, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG

☐ Consent ☒ Discussion

SUBJECT:
TXT-4346 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For discussion and possible action to amend Title 19 to establish boundaries and standards for Supergraphic Signage Overlay District specific to government properties. Staff has NO RECOMMENDATION.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff has NO RECOMMENDATION.

BACKUP DOCUMENTATION:

1. Proposed Amendment and Staff Report
2. Proposed Supergraphic Signage Overlay District Map
3. Submitted at Meeting - Slides of TXT Amendment, Supergraphics Signage Overlay District Boundaries and Regulations Summary

Motion made by GUS FLANGAS to Table

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

GUS FLANGAS, TODD L. MOODY, RICHARD TRUESDELL, GLENN TROWBRIDGE, VICKI QUINN, BYRON GOYNES, TRINITY HAVEN SCHLOTTMAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

FLINN FAGG, Director of Planning, stated that requests have been made in the past for building -wrap signage for commercial properties. This Text Amendment is distinct in that it is limited to civic properties for units of government. What is also distinct about this proposal is the establishment of a Supergraphic Signage Overlay District, which basically would encompass the Downtown Centennial Plan area with minor extensions along US-95 and further south along I-15.

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MR. FAGG reviewed the Regulations Summary slide, which was submitted as backup documentation. He added that this amendment originated from the City of Las Vegas, who entered into a contract with Active Marketing to identify ways to generate revenue in 2007. In 2009, a Request for Proposal was issued to look at advertising opportunities, and the contract was awarded to Elite Media. In addition to doing building wrap signage, Elite Media is looking at other proposals, including advertising on recycling bins, waste containers and City vehicles. This type of signage would be allowed within the boundaries of the Overlay District, with the intent to require that government units would have to own and occupy the property. He proposed an amendment to subsection C, limiting it to buildings that are owned, occupied and operated by the identified units of government.

He continued and said there is no restriction prohibiting billboards on parcels that have building wrap, noting that billboards have their own regulations that are distinct from the proposed regulations for building wraps.

In terms of the definition regarding off-premise versus on-premise signs, MR. FAGG indicated that this proposal is restricted to government units. Only the City of Las Vegas can advertise off-premise messages or sponsors. As such, the Master sign and Special Use Permit processes would have to be adhered to.

Regarding content, the contract with Elite Marketing allows the City to make general categorical exclusions in terms of items that could be advertised on city facilities.

He reiterated that this Amendment is only for the units of government. There is a separate stakeholder group that is in the process of considering regulations for building wraps on private buildings.

TODD FARLOW, Las Vegas resident, was opposed to wrapping the ten-story building on Rancho Drive.

STEVE SPANN stated it would be a great idea to allow wrap signage in the Arts District so that the building owners can generate revenue. CHAIR TROWBRIDGE reminded him that this only pertains to government buildings.

ATTORNEY JENNIFER LAZOVICH, 8345 West Sunset Road, representing Lamar Outdoor Advertising, stated that for years she has represented Lamar in numerous battles against every local government jurisdiction relating to where billboards can be located, how big they can be and how tall they can be, and the billboard industry has had to abide by the rules. Although this is a different animal, the off-premise nature of this ordinance is the opposite for that of billboards and encourages no size limitations, as some of the government buildings are ten stories. There are no distance separations between supergraphics. For these reasons, she expressed opposition to this Amendment in its entirety.

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ATTORNEY LAZOVICH added that the proposed ordinance opens the door to three issues: 1) It allows government to circumvent rules that apply to the private sector; 2) If allowed on government buildings, it is a short leap to allow wraps on private buildings, which means the content cannot be regulated; and 3) This will change the look of the City. She showed a picture depicting wrap signage in Las Vegas to demonstrate the size difference between supergraphics and billboards. The picture was not submitted.

ATTORNEY RUSSELL ROWE, Griffin Rowe and Nave, 10100 West Charleston, representing Boyd Gaming Corporation, conceded that this ordinance is more restrictive. However, Boyd Gaming has concerns with what this may lead to, as it is a very short leap from off-premise for public entities to off-premise for private entities. He asked that the Commission give serious thought to how this will change the City, despite the need to generate revenue.

ROD CARTER, Clear Channel Outdoor, concurred with ATTORNEY LAZOVICH'S comments in opposition.

TODD FESSLER, 206 North 3rd Street, appearing on behalf of various downtown stakeholders, requested this matter be held to allow time to ensure that the process is fair to both the public and private sectors.

ATTORNEY BILL CURRAN appeared with his client, MR. MICHAEL McCULLOUGH, of Elite Media, who submitted the proposed ordinance. ATTORNEY CURRAN noted that this is not unique to the City of Las Vegas, it is being done all over the country and in other countries.

MR. McCULLOUGH showed photos of supergraphics he has done for years in cities throughout the country, noting that the City will have the last right of refusal on the content. The photos were not submitted.

COMMISSIONER TRUEDELL expressed concern about this ordinance, because although the City will have last right of refusal on the content, it cannot regulate the content for other governmental entities. MR. FAGG explained that it was the idea of staff to include the county and state because they are also looking at ways to generate revenue, but staff would be amenable to removing those entities from this ordinance.

COMMISSIONER QUINN asked what City facilities would be appropriate for wraps. MR. FAGG replied that buildings such as the Services Development Center on Rancho Drive, the new City Hall parking garage and possibly Fire Station 1, adding that historic properties may be excluded.

COMMISSIONER QUINN opined that so much taxpayer money has been put into beautifying the buildings only to mask them.

ATTORNEY CURRAN was supportive of the claim that privately owned buildings should also be considered, but this is the first phase and it only deals with public buildings.

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CHAIR TROWBRIDGE stated that complaints have been made for years about inconsistencies and the need for uniformity in rules between jurisdictions, but he felt this Amendment will only exacerbate the issue. He cannot ignore the revenue that will be generated, or the money that has been spent on beautifying buildings, but wondered how much money will be spent in defending the advertising that will be allowed. He felt the City should slow down and strive for fairness to both the private and public sectors.

COMMISSIONER GOYNES wondered if a forum for public comment has been allowed since taxpayer money is involved.

COMMISSIONER SCHOTTMAN asked how much money would be raised in one year, but he did not receive an answer.

CHAIR TROWBRIDGE stated that this advertising takes advantage of the market that exists but will not make the market greater. He felt that all stakeholders should be brought to the table for discussions and a well thought out ordinance that considers the public and private sectors and the community be drafted.

COMMISSIONER FARRAGAS stated that clearly the Commission was not equipped to address this issue at this meeting and it should table this matter in order to study it further and to allow a public forum. COMMISSIONER MOODY agreed.

CHAIR TROWBRIDGE stated that empirical data was shown to support the alleged great demand for this type of signage.

MR. FAGG addressed the approval process. Supergraphics will require a site plan that would be brought before the Planning Commission and the Council at a public hearing. He noted that it is important for the Council to review this proposed Text Amendment and to weigh in on its merits. CHAIR TROWBRIDGE agreed that the public hearing should be opened to the City Council and they not be excluded. He felt that all the parameters need to be discussed before the Commissioners can act on this matter. More than 30 days are needed to allow ample public hearings.

COMMISSIONER GOYNES insisted that he would like to hear from the public sector stakeholders, such as the school district and the taxpayers.

CHAIR TROWBRIDGE declared the Public Hearing closed.