



**LAS VEGAS  
CITY COUNCIL**

CAROLYN G. GOODMAN  
*Mayor*

STAVROS S. ANTHONY  
*Mayor Pro Tem*

MICHELE FIORE

CEDRIC CREAR

BRIAN KNUDSEN

VICTORIA SEAMAN

OLIVIA DIAZ

JORGE CERVANTES  
*City Manager*

OFFICE OF THE  
CITY CLERK

LUANN D. HOLMES  
CITY CLERK

**CITY HALL**

495 S. MAIN ST.  
LAS VEGAS, NV 89101  
702.229.6011 | VOICE  
702.382.4803 | FAX  
711 | TTY



cityoflasvegas  
lasvegasnevada.gov

August 17, 2022

Marc Andre Bolduc, P.E.  
11411 Southern Highlands Parkway #300  
Las Vegas, NV 89141

RE: Planning Commission Appeal Confirmation  
22-0198-SUP1 & 22-0198-SDR1

Dear Mr. Bolduc:

The City of Las Vegas has received your request for appeal to the Planning Commission decision on August 9, 2022. The notification fee of \$1,000.00 (\$500.00 for 22-0198-SUP1 and \$500.00 for 22-0198-SDR1) for the appeal has been collected and the item is scheduled to be heard at the September 21, 2022 City Council Meeting. You will also receive a postcard confirming this date.

Please contact the City Clerk's office at 702-229-6311 or Planning Department at 702-229-6301 in the event you have any questions.

Sincerely,

**LUANN D. HOLMES, MMC**  
City Clerk

/sm

cc: Planning Department

Michael Kest  
Durango Auto Care LLC  
4221 Wilshire Boulevard  
Los Angeles, CA 90010

Brandon Stronks  
SCA Design  
2525 West Horizon Ridge Parkway  
Henderson, NV 89052

Sheldon Colen  
SCA Design  
2525 West Horizon Ridge Parkway  
Henderson, NV 89052

# Durango MB Partners, LLC

RECEIVED  
CITY CLERK

2022 AUG 16 P 2: 16

## VIA HAND DELIVERY

August 16, 2022

City of Las Vegas - City Clerk  
495 S. Main Street  
Las Vegas, NV 89101

RE: **APPEAL OF AUGUST 9, 2022, PLANNING COMMISSION APPROVAL OF SUP 22-0198-SUP1/SDR1** Jiffy Lube - August 9, 2022 Planning Commission Agenda Items No. 11a & 11b - SUP for proposed Auto Repair Garage use with Waiver for Zero Foot Separation from a Single Family Dwelling and Mini Storage and SDR for Auto Repair Garage Development (APN 125-17-612-023)

Dear City Clerk:

Please be advised that the undersigned, Mr. Marc André Bolduc, is Manager of Durango MB Partners LLC (DMBP). Durango MB Partners LLC is an immediately adjacent property owner (APN: 125-17-601-019) to the property subject to the aforementioned application (SUP/SDR 22-0198). Mr. Bolduc has submitted an application (#101496-PRE) on behalf of DMBP for a proposed 37-unit townhome project—a residential use—which is currently scheduled to be heard at the September 13, 2022 City of Las Vegas Planning Commission meeting.

This correspondence is DMBP's appeal of the August 9, 2022 City of Las Vegas Planning Commission approval of the application referenced above. The appeal is based, in part, on the fact that the proposed project does not meet numerous Las Vegas Municipal Code (LVMC) Sections: (i) requiring the screening of dumpsters from rights-of-way and abutting properties (LVMC §19.08.040(E)(4)), (ii) requiring that residential adjacency standards be met concerning the placement of dumpsters (LVMC §19.08.040(H)(4)), and (iii) prohibiting chain or open wire fencing (LVMC §19.08.040(G)(4)). Additionally, given DMBP's intended residential use (of its property) the Applicant has failed to make reasonable accommodation to DMBP in light of the SUP (auto repair garage use) in the form of larger buffer evergreen trees in addition to other commercial/residential adjacency issues that exist.

Mr. Bolduc and representatives of DMBP first reached out to representatives of the proposed Jiffy Lube project starting in early June 2022 and had on-going communications and verbal exchanges. Conceptual layout plans of DMBP's residential project were also delivered to Applicant (Cynthia Futter) in June 2022. Based on those discussions (in which Mr. Bolduc was present) the parties contemplated that a "good neighbor" document would be prepared embodying the verbal discussions and understandings of the parties. A draft document captioned "Agreement Between Adjoining Landowners" (ABAL) was submitted to Applicant via

11411 Southern Highlands Parkway #300  
Las Vegas, NV 89141

email on or about July 7, 2022. After delivering the ABAL in July, Mr. Bolduc contacted the Applicant several times without success seeking Applicant's comments or reaction to the ABAL.

On July 19, 2022, R. Brett Goett, the other Manager of DMBP, initiated contact with Bruce Jorgensen, Esq. (counsel for the Applicant/Owner) for the purpose of seeking Applicant's comments or reaction to the ABAL. Mr. Jorgensen and Mr. Goett spoke on July 21, 2022 generally regarding the ABAL. On that call, Mr. Jorgensen sought, and Mr. Goett provided, various documents and documentation, including, again, the site plan for the DMBP property. In a follow up email to those discussions Mr. Goett stated "I will await your direction and sincerely appreciate the call. **Again, it is not our desire to slow anybody down for the August 9th hearing, and I am glad we have opened up the line of communication**" (emphasis added). On July 25<sup>th</sup>, Mr. Goett followed up his emails with Mr. Jorgensen with another stating "Bruce, circling back on this item. Any word from your client on where they are at? PLMK". On July 27, Mr. Goett received a response that Applicant would "... get back to you soon." After receiving an email from Applicant on July 29, 2022, requesting a meeting the following week, Mr. Goett responded in part "[t]hanks for getting back to me, Bruce. I can make pretty much any day work ... Earlier in the week will be better, because I believe your next Hearing Date is the 9th, and **ideally we would like to be wrapped up in advance of that meeting**. Thanks, and PLMK" (emphasis added). Mr. Jorgensen stated he would have to coordinate with a new lawyer on Applicant's team and he would "get back to you with a time."

Seeing that time was running out on discussing or receiving comment on the ABAL document in Applicant's possession for almost a month, Mr. Goett responded on August 2, 2022 by stating "**Please do not paint us in the corner with your hearing on the 9th**. We are standing by" (emphasis added). On August 3, 2022, Applicant's attorneys (Bruce Jorgensen and Ed Garcia, Esq.) and Elizabeth Sorokac, Esq., and Mr. Goett had a conference call summarizing that "It [the meeting] went pretty well, and **I think we are conceptually on the same page**" (emphasis added). A second email was shortly thereafter sent again on August 3, 2022 which stated "[t]hanks for the call earlier today. **I believe it was productive and we are glad that all seem to be pulling in the same direction**" (emphasis added). Following that meeting, edits were made to the ABAL and sent to Mr. Garcia in the early evening of August 3, 2022. After waiting two days without response to the revised ABAL, Mr. Goett sent a follow up email asking "**Guys, kindly advise as to status. We are turning around (and have been turning around) things quickly to avoid the necessity of further extension. . . I would really like to avoid a fire drill on Monday, so your attention to the foregoing is appreciated**. Thanks" (emphasis added). After the August 3 email from Mr. Goett subsequent calls and emails made it clear that Applicant was

no longer interested in pursuing the ABAL. There was no basis for the new position of Applicant in abandoning the ABAL.

The foregoing is set forth to rebuff the "on record" comments by Applicant's representatives at the August 9, 2022 Planning Commission hearing that DMBP had been nonresponsive or hard to reach (or words of similar effect). The record points to exactly the opposite. DMBP has worked diligently, quickly and in good faith, but those efforts were not reciprocated. As a result of the Code violations and the foregoing, this appeal has ensued.

Thank-you for your time and attention to this correspondence. Should you have any questions or concerns, please do not hesitate to contact me personally at 702-210-5840.

Yours truly,

 for:

Marc Andre Bolduc, P.E.  
Manager, Durango MB Partners LLC

MAB/RBG:kl

cc: Ed Garcia, Esq. (via electronic mail, [EMGarcia@hollandhart.com](mailto:EMGarcia@hollandhart.com))  
Bruce Jorgensen, Esq. (via electronic mail, [bjorgensen@ballarddrawson.com](mailto:bjorgensen@ballarddrawson.com))  
Elizabeth Sorokac, Esq. (via electronic mail, [esorokac@rsnvlaw.com](mailto:esorokac@rsnvlaw.com))  
R. Brett Goett, Esq. (via electronic mail, [legaldept@olympiaaz.com](mailto:legaldept@olympiaaz.com))



CITY OF LAS VEGAS  
DEPARTMENT OF CITY CLERK

Operator ID: SMAYS

Transaction: 392508

Reference #:

Today's Date: 08/16/2022 2:13:10 PM

Posting Date: 08/16/2022

Account Description	Account Number	Amount Due
GENERAL FUND.Meeting Management.Miscellaneous Fees.Meeting Services	100000.04401.270100.C21000.000.000	\$ 1,000.00
Total Amount Due		\$ 1,000.00

Method of Payment	Number	Authorization	Amount Paid
Visa/MC/ATM	4465	001650	\$ 1,000.00
Tendered			\$ 1,000.00
Change			\$ .00

Customer Information:

Christopher Armstrong  
836 Valley Brush Street  
Henderson, NV 89052

Comments:

Appeal  
August 9, 2022 Planning Commission Approve of SUP 22-0198-SUP1/SDR1 11a & 11b APN 125-17-612-023

## INTER-OFFICE MEMORANDUM

August 16, 2022

TO:

DEPARTMENT OF PLANNING

FROM:

CITY CLERK

SUBJECT:

APPEAL OR CITY COUNCIL REVIEW INFORMATION  
ON PLANNING COMMISSION ACTIONS

COPIES TO:

This is to certify that the following action relative to the Planning Commission decision on the application of:

FILE NO.: ABEYANCE - 22-0198-SUP1 AND 22-0198-SDR1

APPLICANT: APPLICANT/OWNER: DURANGO RETAIL, LLC

WARD: Ward 6 (Fiore)

Appeal by applicant or any other aggrieved person:

☒ Yes☐ No

Review requested by City Council:

☐ Yes☒ No

August 16, 2022

DATE

CITY CLERK

## PLANNING AND DEVELOPMENT DEPARTMENT INFORMATION:

Date of Planning Commission Action

August 9, 2022Last day for filing an appeal by applicant  
or any other aggrieved person. (Appeal  
period is 10 days after the date of the  
PC decision).August 22, 2022Last day for a review being requested by  
the City Council. (Review period is 10  
days after the date of the PC decision.)August 22, 2022Set Date: 9/7/22  
City Council: 9/21/22