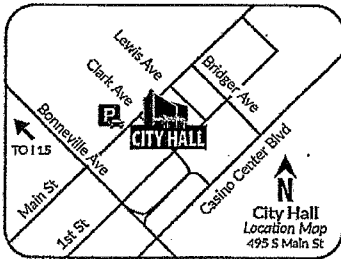


**NOTE: THE FOLLOWING DOCUMENTATION  
WAS SUBMITTED FOR THE RECORD BEFORE  
OR AT THE PLANNING COMMISSION HEARING  
ON THIS ITEM WHICH IS NOW APPEARING  
BEFORE THE CITY COUNCIL**

City of Las Vegas, Department of Community Development  
495 South Main Street  
Las Vegas, Nevada 89101

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22-0392  
12517716025  
GIBBS STEVEN M  
7562 TAMANY ST  
LAS VEGAS NV 89143

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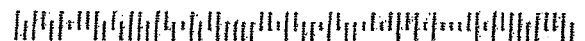
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Planning Commission Meeting of 09/13/2022

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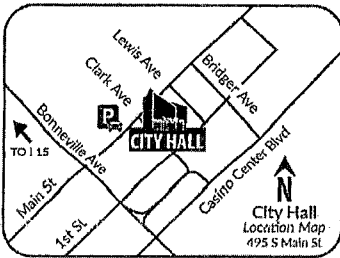


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Department of Planning  
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Planning Commission Meeting of 09/13/2022

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LAS VEGAS NV 89143-4468

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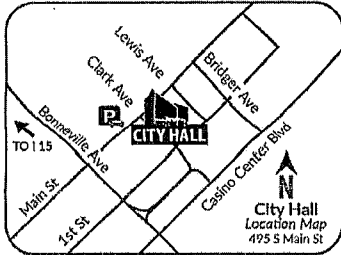
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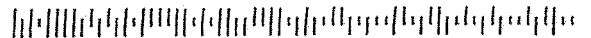
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Planning Commission Meeting of 09/13/2022

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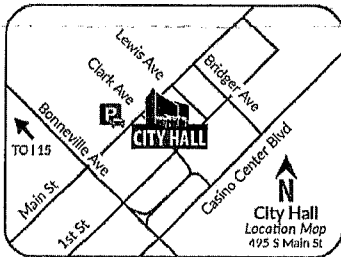
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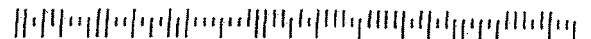
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**Planning Commission Meeting of 09/13/2022**

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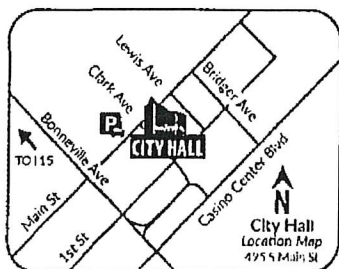
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34a-e A

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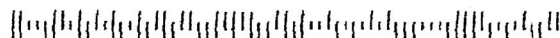
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**22-0392 and 22-0392-MOD1 and 22-0392-VAR1 and 22-0392-SUP1 and 22-0392-SDR1 and 22-0392-TMP1**

**Planning Commission Meeting of 09/13/2022**

22-0392  
12517611003  
7785 NORTH DURANGO L L C  
69 ORCHARD ST  
NEW YORK NY 10002

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Durango I-95, LLC  
Durango Auto Care, LLC  
Durango Food, LLC  
Durango Coffee, LLC  
Durango Retail, LLC  
Durango Storage, LLC

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SEP 12 2022

City of Las Vegas  
Department of Planning

September 12, 2022

City of Las Vegas  
Department of Planning  
333 North Rancho Drive  
Las Vegas, Nevada 89106

Re: Applicant: Durango M B Partners, LLC  
Application No.: 22-0392  
Planning Commission Meeting: Sept. 13, 2022, Agenda Item 34

VL Management, LLC is the Manager of Durango I-95, LLC, Durango Auto Care, LLC, Durango Food, LLC, Durango Coffee, LLC, Durango Retail, LLC, and Durango Storage, LLC (the "Durango Entities") and submits this correspondence on behalf of the six Durango Entities in opposition to the referenced application No. 22-0392 (the "Application") by Durango M B Partners, LLC ("Applicant"). The Durango Entities each own parcels in the Caroline's Court Shopping Center located northwest of the intersection of Durango Drive and El Capitan Way (the "Shopping Center"), which abuts the Applicant's property. In addition, Durango I-95, LLC is one of the Consenting Owners, along with Lowes, the primary anchor tenant in the Shopping Center, and has the legal responsibility to address traffic, safety, building and other primary issues within the Shopping Center for all the owners.

For the record, none of the Durango Entities received the required notice of the Application from the City of Las Vegas. Because of Durango Auto Care's recent application for a use permit for a Jiffy Lube location immediately to the east of the Applicant's property, we were aware that the Applicant was planning to apply for a zone change on its property abutting the Shopping Center and have received a copy of the Applicant's site plan for its proposed development.

The Planning Commission should be aware that Applicant has no direct access to its property from public right-of-way, and it has no secondary access to its development. The Applicant's only access rights are by virtue of a non-exclusive easement over the Illinois Investors LLC et al property (APN 125-17-612-014) ("Illinois Investors"). The driveways covered by the easement are also in constant use by business owners, employees, suppliers, and guests of the Shopping Center.

The immediate access point to the Applicant's property from the Shopping Center is a driveway that is used from time to time to maintain the Shopping Center's approximately 80" tall pylon sign, and for deliveries and trash pickup for the Illinois Investor's parcel. Pylon sign maintenance

Submitted after final agenda

34a-e P  
Pg 1 of 4



activities will totally block access to the Applicant's property for several hours at a time since the maintenance is performed using a large crane. These uses are legal and permissible given the non-exclusive nature of the Applicant's easement rights, but these uses will make a residential development on the Applicant's parcel problematic.

Even more problematic is that the Applicant has no secondary access to its development, which is required for its special use permit (which is also required). Staff's recommendation clearly states that the Applicant has no secondary access, and the Durango Entities will not give any such secondary access. We understand that the Lowe's store will not give such secondary access either. The staff's write up is a bit inconsistent on this point. In the last paragraph of Page 1323 of the meeting backup, the staff reports that "[t]he proposal features a single gated main entrance to a single road with a secondary emergency access." This is false. The Applicant's plans do not show such secondary access, nor does it exist, and the staff's recommendation for denial of the special use permit is correct that the Applicant proposes a waiver of a mandatory condition that is important for the safety of the occupants of the proposed development.

The Applicant's easement rights are limited to access at the Shopping Center entrance on Durango Drive. That means that the Applicant, its developers, contractors, and eventual residents can only enter from and exit to west-bound Durango and have no right to use the Shopping Center entrance on El Capitan Way. We understand that the Applicant believes that its users are not limited by the terms of the easement. We expect that means that there will be (1) huge number of U-turns where not permitted on Durango at US-95 and (2) a huge number of trespasses by the Applicant, its contractors and successors, who will drive through the Shopping Center where not permitted. Either result is not good or responsible planning.

As indicated, the only ingress and egress for that entire parcel is through a 24" lane running from the south entrance to the proposed development, through the middle of the driveway and parking for the inline building and out solely to Durango, which will require all traffic then turn right. When this easement was granted to Applicant, it was because the Applicant's use would be commercial and therefore traffic and traffic flow would run generally the same as the Shopping Center corner through which it passed. As commercial property, the density of traffic would be generally during business hours, the deliveries to any commercial business on that property would be generally during business hours, there would be very more than sufficient parking to hold the customers for those businesses during business hours, and there would be minimal construction and moving truck traffic once the initial development was completed. This all changes adversely for the Shopping Center and its owners if there is constant traffic, limited parking, limited access, blockages of lanes due to traffic and other issues with the proposed development or indeed any residential development that will severely overburden the easement and the owners who will be left with trespassing and other issues for residents who refuse to limit their access to that approved in the easement granted to the developer.

In addition, with such limited and solo ingress and egress at the very south end of the Applicant's property and that being limited to require cars, truck, deliveries, pedestrians, bike and skate traffic to exit out to Durango, it is certain that people will simply hop the wall more to the north and meander across the loading and truck turn around docks, across the Jiffy traffic lanes and across the parking and traffic lanes in the remainder of the Center. Not only is this dangerous to

anyone doing this, mostly likely children, but meandering foot and bicycle traffic unrelated to patronizing by car the actual businesses in the Center creates risk of accidents and serious injury with no responsibility therefore on the Applicant or its successors.

When the Shopping Center, also commercial was entitled, it was entitled to place buildings up against the border of the proposed development with very little setbacks, chain link fencing and none of the restrictions as to noise, etc. that are typically required when a commercial development abuts a residential development. In fact, the truck docks, generators and other lighting and noisy parts of its business are all very close to the border between the Shopping Center and the Applicant's property. All of the trash receptacles are near the property line for the businesses that are or will be back on the property line. Again, the entire Center was designed to abut commercial and not residential development.

Now, the Shopping Center is being completed, but there are two large parcels left to be built or to find users for. These both pivot off of the approved entitlements, which do not require significant set backs or other residential friendly requirements. Indeed the remaining development on that part of the Center includes the entire second anchor parcel, for which we hope to put a gym and other users to complete out the Shopping Center. At this point, it is simply impossible to redesign the Shopping Center AS IF it had always abutted a residential development. Indeed, with required residential setbacks, the ability to build a second anchor part of the Center will be severally diminished given the traffic flow and parking already in place and part of the agreements of record for the current owners.

The staff report indicates that the best use of the Applicant's property is residential. For the reasons stated above, that is incorrect. In addition, with the ability to complete the Shopping Center and lease out the second anchor and north parcels, the Center will be full based on current negotiations and development being pursued in the rest of the Center. With the Center being full, and all four corners of this important intersection completely built out with commercial users, this will create demand for additional, smaller commercial on the Applicant's property, which is exactly what it is zoned for and was anticipated when the limited easement was provided to the owner of the Applicant property all those years ago.

Finally, the Applicant wants a parking variance, which means that the residential occupants and their visitors will undoubtedly illegally park in the Shopping Center given the insufficiency of parking in the proposed development, particularly for non-resident guests attending events in the proposed development. The Durango Entities will be forced to monitor and tow such users.

In summary, the Durango Entities strongly oppose the Applicant's request for a zone change from SC-TC (Service Commercial-Town Center) to M-TC (Medium Density-Town Center). Further, the Durango Entities agree with staff and oppose the Applicant's request for (1) a Special Use Permit to allow a gated community with a private street with a Waiver to allow one active entrance where two are required; (2) a Site Development Plan Review for a 36-unit single family attached townhome development; (3) the applicant is requesting a Variance to allow 70 on-site parking spaces where 78 are required; and (4) a Tentative Map for a 36-unit single-family attached residential subdivision.

Thank you for your careful consideration of these points.

VL Management, LLC

*Cynthia Futter*

Cynthia Futter  
Authorized Signatory for VL Management, LLC