

CAROLINE'S COURT, LLC
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October 19, 2009

City of Las Vegas Development Services Center
Planning & Development Department
731 S. Fourth Street
Las Vegas, Nevada 89101

Re : Justification for Waiver Review Condition
APN 125-17-612-001

Dear Staff:

Caroline's Court LLC respectfully submits a Waiver Review Condition for your consideration.

Project Surroundings:

The subject property (23.62 acres) is located at the west quadrant of the intersection of Durango Drive and El Capitan Way (Farm). The development lies within the Town Center Development area and is designated SC-TC defined as Service Commercial. This development is to comply with the Town Center Development Standards.

Project Approval:

Per SDR-20496, SUP-20497, SUP-20498, and SUP-20499, subject site was approved for a commercial retail center including a Lowe's Home Improvement Center, fast food restaurants, a retail strip center with a major anchor, full service restaurants. A 2-storey office/medical building is also part of the 2007 approval.

Current Applications for Retail G:

SDR 36111, SUP 36115 and SUP 36338 have submitted for Del Taco Fast Food with Drive-Thru (aka Retail "G"). Retail G was originally approved for retail uses.

Request for Waiver Review Condition

To remove the words "and the most northern building" per review Condition #21 of SDR-20496.
To allow a 24 hour Del Taco Fast Food with Drive-Thru (aka Retail "G") to operate.

In order to eliminate the possibility of any disturbances to the neighboring residences, the developer has taken the following steps:

1. The intercom for ordering is on the south side of the Del Taco building which will itself serve as a sound buffer/barrier to the neighboring homes on the north side of the Del Taco building.

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2. The intercom for ordering is not on the menu order sign. It is an independent stand adjacent to the vehicle's driver. This eliminates the need for the drivers to order loudly in order to be heard by the Del Taco operator and vice-versa.
3. The distance of the intercom from the residential homes is just under 300 ft.
4. Del Taco's sign on the north side of the building facing the residential homes will not be illuminated at any time.
5. A solid wall of 6-8 ft runs along the entire property line between the residential homes and Caroline's Court Retail center.
6. Adjacent to the solid wall there is a 20 ft wide public trail that will have trees alongside the entire stretch of the residential wall.
7. In addition, the number of trees will be doubled up on the Del Taco side. The purple robe locusts trees, act as very good sound and light barriers.

Del Taco has stated that the lease will not be signed unless it is able to operate 24 hours. In times of such economically turbulent times, the Developer has been unable to attract any retail users. So it is in light of this economic hardship that the Developer earnestly appeals for approval of the above requests. Such approval will also bring much needed tax revenues for the City of Las Vegas; generate employment within the local area, and increase the value of all properties, whether commercial or residential, in this neighborhood. Some of the immediate neighbors have already been informed and they agree that such an approval will only serve the neighborhood in a positive way in every aspect.

The proposed project was presented by the developer to the neighbors at a neighborhood meeting and the neighbors supported both the Del Taco and the increased in height for the clock Tower.

Caroline's Court looks forward to make these improvements and graciously asks for your approval. We appreciate your consideration of this application and look forward to all public hearing dates.

Please contact our office if you need any additional information.

Yours truly,

CAROLINE'S COURT, LLC



Jacob Khakshouri
Manager

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