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January 20, 2011

BY HAND DELIVERY

City of Las Vegas
Planning & Development
731 S. Fourth Street
Las Vegas, NV 89101

Re: Justification Letter for Special Use Permit and Waiver of Condition
Motor Vehicle Sales (Used)

To Whom It May Concern:

Please be advised that this law firm represents RODO, LLC, a Nevada limited liability company (the "Applicant"), with regards to its request for a Special Use Permit to allow Motor Vehicle Sales (Used) on 3.41 acres in a C-2 (General Commercial) District, together with a waiver of condition to allow openings in service bays to face public rights-of-way. The real property is located at 5650 W. Sahara Avenue and 5600 W. Sahara Avenue, Las Vegas, NV, as further described as Assessor's Parcel Numbers 163-01-404-021 and 163-01-404-014 (collectively, the "Properties"). The Applicant, with J&L Property Leasing, LLC's (the Owner's) consent, hereby requests a special use permit that would entitle the Properties to conduct used motor vehicle sales at the location and a waiver of condition to allow the openings in three (3) service bays to face Sahara Avenue.

A. Special Use Permit

In particular, the Applicant is proposing and desires to utilize the Properties for the display and sale (or leasing) of used automobiles (the "Primary Use"). In conjunction with the Primary Use, the Applicant desires to utilize the existing three (3) enclosed service bays and additional six (6) partially enclosed service bays (collectively, the "Service Bays") located on the Properties as an incidental/accessory use (*i.e.*, to service, repair and maintain the used automobile inventory) (the "Incidental Use" and when taken together with the Primary Use, the

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"Proposed Use"). According to Las Vegas Municipal Code, Title 19 (the "Code"), the defined term for the Primary Use includes service bays which are incidental and accessory to the sales use.

Pursuant to the Code, the Proposed Use is allowed in a C-2 zoning district with the approval of a Special Use Permit. In order to approve a Special Use Permit application, per Title 19.18.060, the Planning Commission must affirm the following:

1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

- The Proposed Use can be conducted in a manner that is harmonious with the neighborhood because it conforms to the standard conditions/requirements as set-forth by the Code, including the following: (a) the site area designated for the Proposed Use is 3.41 acres, which exceeds the minimum 25,000 square feet requirement; (b) the Applicant will not install nor use an outside public address or bell system; (c) all used or discarded automotive parts or equipment will be located wholly within the Service Bays that currently exist on the Properties; (d) all exterior lighting will be screened as not to shine directly onto any adjacent parcel of land; and (e) a majority of the existing Service Bays do not face any public rights-of way.

2. The subject site is physically suitable for the type and intensity of land use proposed.

- The Properties were previously entitled to allow an automobile dealership thereon, which is evidence in itself that the Properties are physically suitable for the type and intensity of the Proposed Use.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

- The Proposed Use has access to Sahara Avenue, a 100 foot Primary Arterial, to the south and Westwind Road to the west. It is important to note that staff previously concluded that these streets will be adequate to meet the requirements of a similar/same use as the Proposed Use. *See* SUP-7649.

4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

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- As with any use, the Proposed Use will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety and welfare.

In addition to the foregoing, the Properties are designated GC (General Commercial) on the Southwest Sector Map of the General Plan. This designation allows retail, service, wholesale office and other general business uses of a more intense commercial character. Hence, the Proposed Use conforms to and complies with the GC (General Commercial) designation.

It is important to note that all existing site improvements, exterior building elevations and landscape improvements are to remain the same.

B. Waiver of Condition

The Applicant desires to utilize the nine (9) existing service bays on the Properties (three (3) fully enclosed service bays and six (6) partially enclosed service bays) in order to service, repair and maintain the used automobile inventory. The openings on all of the fully enclosed service bays and three (3) of the partially enclosed service bays face the rear of the proposed project and away from public rights-of-way; however, the openings in the other three (3) partially enclosed service bays face Sahara Avenue. Accordingly, the Applicant hereby requests a waiver of condition No. 5 to allow the openings in three (3) of the nine (9) existing service bays to face a public right-of-way. It is important to note that the service buildings are located directly behind the sales building, which acts as a buffer and obstructs the view of the openings in the service bays that face Sahara Avenue. Additionally, the Applicant is reestablishing a prior use that was previously approved at the subject location, including the use of all service bays; therefore, this particular request for waiver of condition is not an unprecedented request. Lastly, it should be noted that many other dealerships in and around the proposed project have service bays and the openings in such service bays face Sahara Avenue.

C. Other Uses

In order to provide full and complete disclosure of the types of uses that will be conducted on the Properties, the Applicant intends to operate his automobile financing entity within the sales building located on the Properties. Additionally, an accessory automobile rental use may be conducted on the Properties as well. It is important to note, however, that the Code provides that under the Primary Use the accessory automobile rental use is permitted.

For the reasons provided above, the Applicant respectfully requests that staff recommends approval of the: (1) Special Use Permit to allow the Proposed Use to be conducted

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on the Properties; and (2) Waiver of Condition to allow the openings in three (3) of the existing service bays to face Sahara Avenue.

Thank you in advance for your consideration with regards to this application. If you have any questions, please do not hesitate to contact me.

Sincerely,

FENNEMORE CRAIG, P.C.

Don Martin

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