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FACSIMILE

To: Dennis Harder
From: Michael Lastowski
Date: 3/5/05
Re: Las Vegas Doc
Pages: 11



Department of Comprehensive Planning Current Planning Division

500 S Grand Central Pky • PO Box 551744 • Las Vegas NV 89155-1744
(702) 455-4314 • Fax (702) 455-3271

Barbara Glencules, Director

NOTICE OF FINAL ACTION

September 30, 2004

GREG BORGEL
300 S 4TH ST #1500
LAS VEGAS, NV 89101

GIBSON BATHCOCK
920-8831 9 pp.

REFERENCE: ZC-1433-04.

On the date indicated above, a Notice of Final Action was filed with the Clark County Clerk, Commission Division, pursuant to NRS 278.0235 and marking the commencement of the twenty-five (25) day limitation period specified therein.

The above referenced application was presented before the Clark County Board of County Commissioners at their regular meeting of September 22, 2004 and was APPROVED subject to the conditions listed below and/or on the attached sheet. You will be required to comply with all conditions prior to the issuance of a building permit or a business license whichever occurs first.

Time limits to commence, complete or review this approval apply only to this specific application. A property may have several approved applications on it, each will have its own expiration date. It is the applicant's responsibility to keep each application current.

CONDITIONS: Subject to no resolution of intent and staff preparing an ordinance to adopt the zoning; entering into a development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area; providing a 20 foot wide landscape buffer along Sunset Road with a detached sidewalk, two off-set rows of medium trees, 24 inch box in size, with shrubs to cover 50% of the landscape area; right-of-way dedication to include 55 feet to back of curb for Sunset Road; drainage and traffic studies and compliance with development; full off-site improvements; if sidewalk does not abut back of curb or is meandering in design, dedicate right-of-way to back of curb with applicant granting necessary pedestrian access, streetlight, and traffic control easement; all applicable vacations to be recordable prior to building permit issuance or applicable map submittal; and all applicable standard conditions for this application type. Applicant is advised that this property is subject to potentially significant aircraft noise from McCarran International Airport; the Federal Aviation Administration (FAA) will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their homes purchased or soundproofed.

09/22/04 BCC AGENDA SHEET

FUTURE RESIDENTIAL DEVELOPMENT
(TITLE 30)

SUNSET RD/FORT APACHE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-1433-04 - GRAGSON-SUNSET MEDICAL LLC, ET AL;

ZONE CHANGE to reclassify 5.0 acres from R-E (Rural Estates Residential) Zone to R-3 (Multiple Family Residential) Zone for future residential development.

Generally located on the north side of Sunset Road 700 feet west of Fort Apache Road within Spring Valley (description on file). LBMal

RELATED INFORMATION:

APN:

163-31-801-009

MASTER PLAN/LAND USE GUIDE:

SPRING VALLEY - UP TO PRIVATE MAJOR DEVELOPMENT PROJECT (SOUTHWEST RANCH - UP TO MULTIPLE FAMILY 18 DU/AC)

BACKGROUND:

Project Description

The applicant is requesting reclassification to an R-3 zoning district to allow for future residential development. No building plans were submitted with this request. The site has street frontage along Sunset Road.

Prior Land Use Requests

This site is located in the Southwest Ranch Concept Plan area. The Southwest Ranch Concept Plan was approved by MP-1537-99 in December 1999. ZC-1026-02 was a request to reclassify this site to RUD for a detached single family residential development. ZC-1026-02 was held per the applicants request at the August 21, 2002 Board of County Commissioners meeting and has since expired.

Surrounding Zoning and Land Use

This site is located in the Public Facilities Needs Assessment (PFNA) area. The adjacent parcels to the east and west are undeveloped and in R-E zoning districts. The concept plan designates the parcel to the east for multiple family development and the parcels to the west for single family residential development. To the north is a multiple family residential development in an R-3 zone. Approximately 350 feet to the east is an undeveloped parcel in a C-2 zone. To the south are single family residential developments in R-2 and R-3 zoning districts.

Oct-15-04 11:28 From:Lionel Sawyer & Collins

7029990046

T-518 P.003/009 F-071

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Current Planning**

This request to reclassify the property to an R-3 zone is within the range of density and intensity designated for this site by the Southwest Ranch Concept Plan. Therefore, this request conforms to the Spring Valley Land Use Plan, which designates this site for Major Development Projects. The R-3 zoning district will allow uses that will be compatible with the existing and planned development in this area. Approval of this request will also be consistent with past approvals in this area.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Current Planning**

Subject to no resolution of intent and staff preparing an ordinance to adopt the zoning; entering into a development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area; providing a 20 foot wide landscape buffer along Sunset Road with a detached sidewalk, two off-set rows of medium trees, 24 inch box in size, with shrubs to cover 50% of the landscape area; and all applicable standard conditions for this application type.

Civil Engineering

Right-of-way dedication to include 55 feet to back of curb for Sunset Road; drainage and traffic studies and compliance with development; full off-site improvements; if sidewalk does not abut back of curb or is meandering in design, dedicate right-of-way to back of curb with applicant granting necessary pedestrian access, streetlight, and traffic control easement; all applicable vacations to be recordable prior to building permit issuance or applicable map submittal. (dc)

Department of Aviation

Applicant is advised that this property is subject to potentially significant aircraft noise from McCarran International Airport; the Federal Aviation Administration (FAA) will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their homes purchased or soundproofed.

TAB/CAC:**APPROVALS:****PROTESTS:**

Oct-10-04 11:28 From:Lionel Sawyer & Collins

7023838845

T-518 P.004/000 F-071

APPLICANT: Gargson-Sunset Medical LLC, Et Al

CONTACT: Greg Borgel, 300 South 4th Street #1500, Las Vegas, NV 89101

Oct-15-04 11:20

From-Lionel Sawyer & Collins

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T-510 P.005/000 F-071

TITLE 30 STANDARD CONDITIONS

IN ADDITION to staff comments and/or recommendations, all land use application approvals require conformance to the following standard conditions for each application type:

ALL APPLICATIONS:

1. Development of the property must conform to the plans as submitted with revisions as specified by the Board of County Commissioners and/or Planning Commission.
2. Although a courtesy reminder is typically mailed to the correspondent (on file) 30 days prior to an application's expiration, the applicant is fully responsible for maintaining the correct expiration date of any application.

Administrative Design Review, Administrative Minor Deviation, Design Review, Special Use Permit, Variance, Waiver of Development Standards, and Zone Change:

1. **Administrative Design Review, Design Review, Special Use Permit, Variance, or Waiver of Development Standards.** The application will expire in two years at 5:00 p.m. on the expiration date unless the use or construction is commenced or unless a different time period is stated in the conditions of approval (holidays and weekends will not extend the expiration day). Any extension of time must be applied for prior to 5:00 p.m. on the expiration date.
2. **Administrative Minor Deviation.** This application will expire in two years at 5:00 p.m. on the expiration date unless construction is commenced or unless a different time period is stated in the conditions of approval (holidays and weekends will not extend the expiration day). No extensions of time are permitted.
3. **Zone Change Not Subject to a Resolution of Intent.** The zoning will not expire, nor will any associated applications (except tentative maps and vacation and abandonment applications), unless otherwise stated in the conditions of approval.
4. **Zone Change Subject to a Resolution of Intent and any associated applications.** The property owner must execute a resolution of intent and complete construction per Title 30, Section 30.16.060, including compliance with all conditions; otherwise, the application(s) will expire in three years at 5:00 p.m. on the expiration date (holidays and weekends will not extend the expiration day). Any extension of time must be applied for prior to 5:00 p.m. on the expiration date.
5. All conditions of approval, applicable state statutes, and local ordinances must be satisfied, including all applicable Building and Fire Code requirements for hazardous materials, prior to recording a map or issuance of a building permit, certificate of occupancy, or business license, whichever is required.
6. All new construction requires building permits in accordance with all applicable Building and Fire Codes and submission of a plot and grading plan prepared by a registered professional civil engineer showing property lines, building locations, topography and such other data as required by the Department of Development Services.
7. If the property is located within one mile of the boundary of public sewage treatment facility, an odor easement must be executed with the Clark County Water Reclamation District.
8. All geologic hazards must be plotted on a plot plan, and habitable structures shall comply with the restrictions specified in all applicable Building and Fire Codes.
9. Drainage and/or traffic studies must be submitted and approved and all improvements must comply with the approved studies. Further, street and flood channel dedication and/or improvements will be required.
10. If the property is located in a flood zone, a drainage study must be submitted to and approved by the Regional Flood Control District prior to any permits being issued.
11. Fire hydrants must be provided in compliance with Fire Department specifications, and a three foot fire hydrant easement is required behind all street frontage lot lines. ~~Waivers of street improvements do not waive fire hydrant requirements.~~
12. All necessary utility easements will be retained or reserved. For all applications, an Aviation Easement must be executed unless one has been previously recorded.
13. Mobile homes and/or manufactured housing require building permits before they are moved and inspection for the Nevada Safety Seal prior to occupancy.
14. Approval of this application does not constitute approval of a liquor or gaming license or any other County issued permit, license, or approval.
15. The Board of County Commissioners and/or the Planning Commission have no authority to grant, promise, or commit water service. Approval of this application does not constitute any commitment for water service or any commitment for priority status for future water service.

Oct-15-04 11:20

From: Lionel Sawyer & Collins

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T-510 P.008/008 F-071

GRANT OF EASEMENT**ZC-1433-04**

APN: 163-31-001-009

KNOW ALL MEN BY THESE PRESENTS, that

GRANSON-SUNSET MEDICAL LLC, ET AL

GRANTOR for good and valuable consideration; the receipt of which is hereby acknowledged, desires to grant and convey unto COUNTY OF CLARK ("COUNTY") a perpetual aviation easement over the land hereinafter described in Clark County, State of Nevada ("Premises"); said land is described as follows, to wit:

PLEASE SEE ATTACHED LEGAL DESCRIPTION

GRANTOR acknowledges and consents to COUNTY'S reservation of a perpetual and assignable right-of-way and easement for the free and unobstructed passage of all aircraft, regardless of the owner or operator of such, in, through, and across all of the air space above the Premises subject to such rights, terms, and conditions as contained herein. (For purposes of this instrument, "aircraft" is defined as any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air or space regardless of the form of propulsion which powers said aircraft in flight.)

- (A) COUNTY, its successors in interest and assigns, for the use and benefit of aircraft operators and the general public, shall have the continuing right to cause or allow in all of the air space above the surface of the Premises such noise, fumes, vibrations, dust, fuel, particles and all other effects that may be caused by or result from the operation of aircraft, whether or not said aircraft overfly or intrude into the air space above the Premises.
- (B) COUNTY reserves unto itself, its successors and assigns, for the use and benefit of aircraft operators and the general public, a right of flight for the passage of aircraft in the airspace above the surface of the Premises, together with the right to cause in said air space such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in said airspace, and for use of said airspace for landing at, taking off from or operating at the premises known as McCarran International Airport, Nellis Air Force Base, North Las Vegas Airport, Overton Airport, Indian Springs Air Force Base, Henderson Executive Airport, Laughlin/Bullhead Airport, Searchlight Airport, and Jean Airport (the "Airports").

WAIVER. GRANTOR, its successors in interest and assigns, hereby shall waive, remise, and release any right, claim, or cause of action which GRANTOR may now have or may have in the future against COUNTY or operators or users of the above described Airport, for losses or psychological or physical effects on account of or arising out of noise, vibrations, fumes, dust, fuel, particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at, taking off from, or operating at or on the Airports, or in or near the air space above the Premises. GRANTOR specifically waives any claims that the easement is burdened by increases in noise, fumes, vibrations, dust, fuel, particles, or any other effects that may be caused by or result from the operation of aircraft; changes in the type or frequency of aircraft operations, the airport layout, or flight patterns; or increases in nighttime operations.

(I, WE), THE UNDERSIGNED, HEREBY SWEAR, DEPOSE AND SAY THAT (I, WE) (AM, ARE) THE OWNER(S) OF RECORD ON THE TAX ROLLS OF THE ABOVE DESCRIBED PARCEL OR POSSESS A VALID POWER OF ATTORNEY TO ACT FOR THE PROPERTY OWNER IN THIS MATTER.

**GRANT OF EASEMENT
ZC-1433-04**

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Property Owner's Signature / Print Property Owner's Name

On this _____ day of _____, 20____, _____
(PRINT OWNER'S NAME)

Personally appeared before me, a Notary Public and for the said County and State, known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged to me that (he, she, they) executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County, the day and year, in this certificate first above written.

Recorder's Office
ONLY

Notary Public in and for said County and State

Oct-15-04 11:30

From-Lionel Sawyer & Collins

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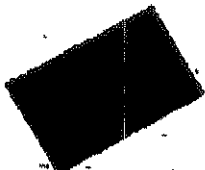
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LD

Property Description:

**THE EAST HALF (E1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF THE
SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 21, SOUTH RANGE 60
EAST, M.D.B & M NEVADA OF THE SOUTHEAST QUARTER (SE1/4)**



Oct-15-04

11:30

From-Lionel Sawyer & Colline

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P.008/008

F-071

RESOLUTION OF INTENT/AVIGATION EASEMENT CHECKLIST

1. All property owners must sign, unless one has power of attorney. If there is a power of attorney, a copy must be provided.
2. If owner has changed since time of land use application submittal, a copy of the deed will need to be returned with the original signed document.
3. Print name under each signature.
4. Notary stamp must be legible and not stamped over any text.
5. Notary must fill in owner's name (on space provided) when signing, date, state of..., and county of.
6. Applicant must submit original document, including any attached legals for Current Planning staff to obtain appropriate Commission Chair and Commission Clerk signature for recordation.
7. Faxed documents will not be accepted.
8. Once Current Planning has received the document from the owner/applicant it takes approximately three months for recordation; however, as long as the document is recordable (per Current Planning staff), you may go forward with the permit process. If you have any further questions, please do not hesitate to contact us at 455-4314.