

RESTAURANT/LOUNGE
(TITLE 30)

KYLE CANYON RD/KNOTTY PINE WAY
(MT. CHARLESTON)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0629-MT. CHARLESTON INVESTMENTS, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** setbacks; **2)** lot coverage; **3)** building height; and **4)** eliminate sidewalk and reduce street landscaping.

DESIGN REVIEW for the reconstruction of a restaurant and lounge facility in conjunction with an existing bed and breakfast facility on a 1.9 acre portion of 4.2 acres in an R-U (Rural Open Land) Zone in the Spring Mountain Overlay District (Part I).

Generally located on the north side of Kyle Canyon Road and the east side of Knotty Pine Way within Northwest County. RM/hw/syp (For possible action)

RELATED INFORMATION:

APN:

129-36-101-017; 129-36-111-047; 129-36-502-017 ptn

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the front setback for a restaurant and lounge building to 2.7 feet where 40 feet is the standard per Table 30.40-1 (a 94% reduction).
 - b. Reduce the setback from a right-of-way (Kyle Canyon Road) for a restaurant and lounge building to 2.7 feet where 10 feet is the standard per Table 30.40-1 (a 75% reduction).
 - c. Reduce the rear setback for a restaurant and lounge building to 39 feet where 50 feet is the standard per Table 30.40-1 (a 22% reduction).
2. Increase lot coverage to 29% (52,967 square foot) where 21% was previously approved and 15% (27,573.5 square feet) is the maximum permitted per Table 30.40-1 (a 92% increase).
3. Increase the building height to 49 feet where 35 feet is the maximum per Table 30.40-1 (a 40% increase).
4.
 - a. Eliminate the sidewalk along Kyle Canyon Road where a detached sidewalk is required per Figure 30.64-17.
 - b. Reduce the width of the street landscaping buffer along Kyle Canyon Road to 2.5 feet where 15 feet is required per Figure 30.64-17 (an 83% reduction).
 - c. Reduce the number of trees along Kyle Canyon Road to 4 where a total of 16 large trees are required per Figure 30.64-17 (a 75% reduction).

LAND USE PLAN:

NORTHWEST COUNTY (MT. CHARLESTON) - OUTLYING NEIGHBORHOOD (UP TO 0.5 DU/AC)

NORTHWEST COUNTY (MT. CHARLESTON) - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:**Project Description**

General Summary

- Site Address: 5375 Kyle Canyon Road
- Site Acreage: 1.9 (restaurant/lounge)/4.2 (overall)
- Project Type: Restaurant/lounge
- Number of Stories: 2
- Building Height (feet): 49
- Square Feet: 52,967 (total)/10,946 (lodge)/23,621 (parking deck)/18,400 (cabins)
- Parking Required/Provided: 165/188

Site Plan, History, & Request

The plan depicts an existing 24 unit cabin bed and breakfast with a previously constructed restaurant and lounge building to the north of Kyle Canyon Road and to the east of Knotty Pine Way. The restaurant and lounge on the site were previously approved and originally constructed in 1962 through UC-049-62 with various expansions and rebuilds in the years after. The cabins also were originally approved in 1993 through VC-0014-93 and VC-1591-93 and constructed in 1995. The previously approved development allowed for 38,603 square feet of cabin and restaurant/lounge space for a total lot coverage of 21%. The bed and breakfast remain, but the restaurant and lounge were destroyed by a fire in 2021, and the applicant is now looking to reconstruct the restaurant and lounge building. The rebuild of the restaurant and lounge is limited to those uses that were previously approved on the site. The reconstruction is required to comply with all current building standards resulting in the new building to differentiate from the previous restaurant and lounge building on the site.

The plans show that there are 24, approximately 770 square foot, cabins located in the western portion of the site with the previous and current proposed location of the restaurant and lounge building being located on the eastern portion of the site. The restaurant and lounge building is shown to consist of the primary restaurant/lounge building surrounded by various attached decks and balconies to the north of the lounge building and an attached bi-level parking garage to the south and east of the lounge and restaurant building. The main restaurant building is shown to be set back 50.6 feet from Kyle Canyon Road to the south, 44.7 feet from the northeast property line, and 45.2 feet from the northwest property line with an extended window wall that is 39 feet from the northwest property line. The parking garage is attached to the restaurant building and extends south up to about 2.7 feet from Kyle Canyon Road and east approximately 331 feet from the eastern property line. Access to the site is provided by 2 commercial driveways along Kyle Canyon Road. One driveway accesses the cabin portion of the site and internal drive aisle connect it with a western entrance to the parking garage. The second driveway accesses the parking garage directly. Parking is provided in a parking lot directly to the south of the cabins,

within the mentioned parking garage, and within a smaller surface lot to the east of the parking garage. A total of 165 parking spaces is required for the restaurant and lounge use along with the cabins with a total of 188 parking spaces provided. The cross sections provided show that there will be no major changes to the grading on the site.

Landscaping

On the existing cabins site, no new landscaping is proposed, and existing landscaping primarily consists of the undisturbed natural alpine vegetation on the site, which includes various shrubs and pine trees. In terms of proposed landscaping, all new landscaping will be located on the new restaurant and lounge portion of the site. There are 2 main landscaping buffer areas particularly in the northwest corner of the restaurant and lounge building and to the northeast of the outdoor surface parking lot. These large buffer areas act to buffer the development from the natural areas to the north and east. These buffer areas contain various shrubs and several species of 24 inch and 36 inch box trees. In addition to these buffer areas, a 2.7 wide street landscape buffer has been provided to the south of the proposed retaining wall along the southern property line and Kyle Canyon Road. No sidewalks are being constructed and the strip will contain several species of small shrubs. Parking lot landscaping is provided within the surface lot area with finger islands and trees provided every 4 to 6 spaces, and terminal trees provided where possible.

Elevations

The elevations depict a 4 sided A-frame pitched roof structure. The plans show that from the lowest point on the northern summer deck to the peak of the A-frame roof, the building is 49 feet tall, particularly along the northern façade. The A-frame portion of the building intersects with a rectangular, flat roofed building section that is 23.5 feet tall. The exterior of the A-frame portion of the building is primarily painted/decorative metal paneling with vertical grooving. The rectangular portion of the building contains both wood and stone finishing with wood paneling in locations. The attached parking garage is shown to be primarily built with the stone finishing. Access to the building is primarily provided by commercial door systems along the northern, western, and southern façades with the primary entrance located along the eastern corner of the southern façade. Large window curtain wall systems are provided at the 4 ends of the A-frame portion of the building. Large window systems are provided along the northern façade of the building entering out onto the deck and balcony areas. Glass railings are provided along the decks and balconies.

Floor Plans

The plans depict a 2 story, 10,946 square foot restaurant and lodge building. The primary floor is the upper level of the building labeled "Level 1." This contains the main 4,464 square foot dining room with a 765 private dining area. This upper level also contains the kitchen and 2 outside deck areas totaling 2,127 square feet along with lobby and bar areas. The lower level is labeled "Level B1," and primarily contains a 2,196 square foot lounge area with 2 small dining areas. The lower level contains 550 square feet of office space, additional storage areas, and back of house areas. An additional kitchen is located on the lower level along with another 2 outside deck areas for a total of 4,200 square feet of outside area. Parking within the garage is spread out across both floors with a majority of parking being provided at grade.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states they are requesting these applications to rebuild the restaurant and lodge that was lost to fire on the same site. They state that the building will contain various bars and a restaurant and is built to meet parking requirements. The lodge building is 2 stories and is split level and will have access on both levels to the Kyle Canyon Road and the cabin site. The applicant states the new building will match as much as possible to the previous building on the site. The applicant indicates that setback reductions are the result of the odd geometry of the lot and similar reductions were previously approved. In addition, they also indicate the increase in building height and coverage is needed in order to accommodate current Code standards for the building and that unique design elements like the A-frame and parking garage have been used to help make-up for these increases.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0584	Temporary outdoor events that exceed the timeframe with a tent and other temporary structures	Approved by PC	December 2022
WS-0216-17	Reduced setbacks for a balcony and modifications to an existing restaurant facility	Approved by PC	May 2017
UC-0498-12	Communication tower with increased height, reduced setbacks, and reduced separation from another tower	Approved by PC	October 2012
UC-0375-04	Communication tower with increased height and reduced separation from another tower	Approved by PC	April 2004
UC-1587-03	Recreational facility and live entertainment with commercial uses - expired	Approved by PC	November 2003
VC-0605-98	Reduced lot width and depth and increased lot coverage in conjunction with an existing bed and breakfast and restaurant and lounge	Approved by PC	May 1998
UC-1473-96	Television receiving tower with 2 antennas	Approved by PC	October 1996
VC-0940-95	Wedding chapel and multi-purpose building in conjunction with an existing restaurant and lodge	Approved by BCC	August 1995
VC-1591-93	24 unit bed and breakfast and existing restaurant with reduced setbacks and increased lot coverage	Approved by PC	October 1993
UC-0913-93	Radio communication tower and accessory equipment	Approved by PC	July 1993
VC-0014-93	24 unit bed and breakfast and existing restaurant with reduced setbacks and increased lot coverage - expired	Approved by BCC	March 1993
VC-506-92	Heavy equipment service with no paving or landscape buffer	Approved by PC	August 1992
AC-145-88	Remodeled the kitchen, roof, dining, and bar area, and expanded the existing restaurant	Approved by BCC	September 1988

Prior Land Use Requests

Application Number	Request	Action	Date
UC-216-88	Maintained live indoor entertainment - expired	Approved by BCC	September 1988
VC-437-88	Permit outdoor dining, catering, and sleigh/hayrides in conjunction with an existing restaurant and lounge	Approved by BCC	September 1988
VC-358-87	Bed and breakfast units, meeting rooms, gift shops, and entrance remodeled in conjunction with an existing restaurant and lodge - expired	Approved by BCC	September 1988
ZC-130-80	Reclassified the site from R-U to C-2 zoning for a 117 room motel and 12,400 square foot restaurant expansion	Denied by BCC	April 1981
AC-135-80	Replaced an existing restaurant and lounge with a 12,460 square foot restaurant and lounge - expired	Approved by PC	September 1980
UC-49-62	Reconstructed a restaurant with a cocktail lounge and new ice skating rink, bowling lanes, swimming pool with cabanas and shops	Approved by BCC	May 1962

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, East, & South	Open Lands	R-U	Humboldt-Toiyabe National Forest/Spring Mountain National Recreation Area
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-U	Single family residential

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waivers of Development Standards #1 through #3

Staff finds that the conditions of the lot with regard to size, shape, and slope, make reconstruction of the restaurant/lounge building to Code difficult to achieve. Staff finds that location of the building is similar to the previous restaurant/lounge building and that the design and siting of the building is such that intrusions into the setback are limited as much as possible.

While the location and siting of the parking garage could be designed to reduce the impact on the front setback, the use of a parking garage helps to meet parking demands and maintain undisturbed natural areas. Additionally, staff finds that the design of the building makes use of the existing graded slopes on the site creating a multi-level design. The use of multiple levels and increased height maintains the A-frame design of the previous building and reduces the need for more on-site disturbance. For these reasons, staff can support these requests.

Waiver of Development Standards #4

Staff finds that the existing conditions along Kyle Canyon Road do not have sidewalks this far up the mountain, and the road tends to be dominated by car and bike traffic. While sidewalks could help to develop a more pedestrian friendly environment in the Mount Charleston area, no similar infrastructure exists in the area and would thus not significantly advance a public interest. In terms of the landscaping strip, staff finds that no similar street landscaping exists in the surrounding area and that most street side vegetation along Kyle Canyon Road is native shrubs and trees. Staff also finds that no street landscaping previously existed on the site and the reduction of the landscaping strip is due to the placement of the parking garage. Staff ultimately finds that since the exteriors of the parking structure are decorative, shrubs similar to those in the area should be sufficient to soften the appearance of the site. For these reasons, staff can support this request.

Design Review

Overall, staff finds that the restaurant and lounge building is attractive and complementary to the overall surrounding environment. The building integrates into the existing site and is similar in placement and appearance to the previous building. The proposed landscaping for the site will add landscaping that was not originally present and integrates and buffers the site from the nearby forest areas. The landscaping provided should enhance the visual appearance of the restaurant building and the view of the site from the street, while maintaining the unique vegetation of the area. The exteriors of the restaurant and lounge building take use of the materials and textures of the surrounding area (wood and stone) helping to integrate the building into the mountain landscape. The overall site has several points of access and staff finds that the placement of the new building does not significantly impact flows within or near the site. Staff also finds that the replacement of the restaurant and lounge building helps to support Policy 5.1.2, which encourages the use of properties for tourism type uses and Policy 5.1.6 which encourages uses that will promote the economy of outlying areas. Lastly, the parking garage is a unique solution which assures that parking needs are met while assuring that more land is reserved for native vegetation and slopes, which supports Northwest County Specific Policy NW-5.5, which encourages such innovations to address parking limitations in the northwest portion of the County. For these reasons, staff can support this request.

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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- All provided on-site vegetation to be native to the Spring Mountain area;
- Record perpetual cross access, ingress/egress, and shared parking agreement between APNs 129-36-502-017 and 129-36-101-017;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the rebuild of the restaurant and lounge is limited to those uses that were previously approved on the site and additional land use applications may be required for any future uses, construction, or grading; that approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: MT. CHARLESTON INVESTMENTS, LLC

CONTACT: ANN PIERCE, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135