USE PERMIT to establish a Historical Designation (Pioneer Saloon) for a tavern, restaurant, and retail sales and services with accessory uses.

WAIVERS OF DEVELOPMENT STANDARDS for the following:
1. Reduced parking lot landscaping where required per Figure 30.64-14.
2. Reduce the setback for an existing non-decorative perimeter fence (corrugated metal sheets framed by wood posts) to 6 feet where 10 feet is required per Section 30.64.020 (a 40% reduction).
3. Allow an existing 4.5 foot high non-decorative fence where a decorative block wall with a maximum height of 3 feet is permitted per Section 30.64.020 (a 50% increase).

LAND USE PLAN:
SOUTH COUNTY (GOODSPRINGS) - COMMERCIAL GENERAL
SOUTH COUNTY (GOODSPRINGS) - RURAL NEIGHBORHOOD (UP TO 2 DU/AC)
BACKGROUND:
Project Description
General Summary
• Site Address: 310 W. Spring Street
• Site Acreage: 1.4
• Project Type: Historic Designation with accessory uses
• Number of Stories: 1 (tavern, restaurant, retail store, restroom building, watchman’s manufacture home, well house, and storage building)
• Building Height (feet): 18.5 (restroom building)/9 (shipping containers)/11.5 (storage building)
• Square Feet: 1,861 (tavern and restaurant)/615 (retail store)/219 (restroom building)/320 (shipping containers)/125 (storage building)/232 (food cart/trailer)
• Parking Required/Provided: 63/79

History
This site contains a historical business and prominent uses within the Goodsprings Community. The Pioneer Saloon is reported to be constructed in 1913, and is listed on the Nevada Register of Historic Places. The main structures consist of the 1 story, approximately 1,861 square foot Pioneer Saloon (east building) and 1 story, 615 square foot Pioneer Market (west building) that were constructed approximately 8 feet from the right-of-way line of Spring Street (SR 161). The saloon also has an approximate 7 foot to 8 foot wide porch along the front façade that is within 1 foot of the right-of-way. The 2 structures are separated by an area measuring 25 feet in width.

In January of 2009, a watchman’s manufactured home was approved via UC-0807-08 by the Board of County Commissioners (BCC). The manufactured home was made permanent by action of ET-0010-15 (UC-0807-08) in April of 2015, by the BCC. The structure is located at the northwest corner of the project site. The entire site which consists of the 2 structures, the watchman’s trailer, and additional proposed and existing accessory structures is situated on 1.4 acres, with approximately 249 feet of street frontage along Spring Street and 245 feet along Fayle Street. This site and other properties along this strip of right-of-way (Spring Street and SR 161) were zoned C-2 many years ago prior to significant growth occurring in the Las Vegas Valley.

Request
This application is a request for a Historical Designation and associated accessory uses to an existing restaurant, retail store, and tavern commonly referred to as the Pioneer Saloon. The accessory uses will include a recreational facility featuring ghost and stargazing tours, in addition to an accessory wedding chapel. Additional accessory uses include, but are not limited to, outdoor live entertainment, banquet facility, outside dining, drinking, and cooking, museum, and a food cart/trailer.

Site Plan
The plans depict a project site consisting of 1.4 acres featuring an existing tavern (Pioneer Saloon) with a restaurant, retail store, watchman’s manufactured home, storage building, 2 shipping containers, outside bar, and an existing food cart/trailer (cook trailer). The existing
tavern consists of 1,861 square feet and the retail store measures 615 square feet. An outside bar area, measuring 228 square feet, is located to the west of the tavern and is accessed through the interior of the building. Immediately to the east of the tavern is an existing 4,400 square foot outside dining and drinking area, which is enclosed by an existing 4.5 foot high non-decorative perimeter fence (corrugated metal sheets framed by wood posts) that was approved by action of UC-0099-15 in April 2015 by the BCC, but subsequently expired in April 2018. Additionally, the accessory wedding chapel use is located within the outside dining and drinking area. An attached covered patio area consisting of 385 square feet, which will be utilized for outdoor live entertainment, is located on the northwest side of the tavern. A detached covered patio, with an area of 1,224 square feet, is located immediately to the north of the tavern. The outside dining and drinking area is not accessed through the interior of the tavern, as required per Code. A proposed restroom building consisting of 219 square feet is located 20 feet to the west of the 615 square foot retail store. The restroom building will replace the existing restroom structure, which cannot be permitted due to structural deficiencies. The restroom building will maintain a 20 foot setback from Spring Street. An existing storage area measuring 447 square feet is located immediately to the north of the retail store. The retail store has direct interior access to the storage area. A 276 square foot covered patio area is located to the east of the storage building. The watchman’s manufactured home, consisting of 1,400 square feet, is located at the northwest corner of the site. The manufactured home is set back 10 feet from the west property line and 8 feet from the north property line. Two shipping containers measuring 320 square feet each are located approximately 14 feet to the east of the manufactured home. Eight feet of separation exists between the shipping containers, with an open concrete slab located between the structures. The shipping containers are set back 8 feet from the north property line. The existing food cart/trailer, consisting of 232 square feet, is located to the northwest of the first storage building. A second storage building, measuring 125 square feet, is located at the northeast corner of the site. The building is set back 9 feet from the north property line and 28 feet from the east property line, along Fayle Street. An existing propane sales area with an area of 162 square feet is located at the northeast corner of the site. The sales area is set back 6 feet from the northeast property line, adjacent to Fayle Street. The existing trash enclosure is centrally located within the site. Access to the project site is granted via existing driveways adjacent to Spring Street and Fayle Street. Parking for the site is located to the west and north of the existing buildings. A portion of the parking lot consists of asphalt, while the remaining portion of the parking lot consists of chat. The re-design of the parking lot will ensure minimum drive aisle widths of 24 feet, and will include landscape planters to improve the aesthetics of the site. The existing site requires 63 parking spaces where 79 parking spaces are provided.

**Landscaping**

The plans depict a 5.5 foot wide landscape area along the west and north property lines of the site, with 24 inch box large evergreen trees planted 20 feet on center. The width of the street landscape area ranges between zero to 13 feet along Spring Street, while the width of the landscape area adjacent to Fayle Street measures 6 feet. A combination of small and large trees are depicted within the landscape area along Fayle Street and Spring Street, in addition to shrubs and groundcover. A waiver of development standards was included with UC-0807-08 to reduce the street landscaping along Spring Street and Fayle Street. In lieu of the required landscape finger islands, multiple landscape planters ranging between 3.5 feet to 8 feet in width are dispersed throughout the interior of the parking lot, containing a mixture of small and large trees.
Elevations
The existing restaurant, retail store, and tavern have a rustic and rural character, and the additions and modifications to the site maintain the same appearance. The freestanding restroom building has a height of 18.5 feet and will be constructed with a CMU block exterior. A corrugated steel awning will be located at the midpoint of the front elevation of the building. The awning will be supported by a series of columns featuring CMU block. The doors to the restroom building consist of wood and will remain unpainted to maintain a natural appearance. The building will be painted with neutral, earth tone colors. The shipping containers are 9 feet high and consist of a metal exterior. The containers are painted with neutral, earth tone colors. The food cart/trailer measures 8 feet in height with black metal paneling for the exterior. The outdoor bar area, located on the northeast side of the tavern, is protected by 4 foot high railings. The storage building, located at the northeast corner of the project site, is 11.5 feet high and consists of a wood exterior and a corrugated metal roof.

Floor Plans
The existing tavern and restaurant consists of 1,861 square feet and features storage areas, walk-in cooler, bar area, restroom facilities, and a dining area. The retail store consists of 615 square feet with a 447 square foot storage area. The accessory storage building consists of 125 square feet. The food cart/trailer (cook trailer) measures 232 square feet and includes a counter area, cook area, storage closet, sinks, and a stove. The shipping containers measure 320 square feet each while the proposed restroom building has an area of 219 square feet. The outdoor bar area, located on the northeast side of the tavern, consists of 228 square feet.

Signage
Signage is not a part of this request.

Applicant’s Justification
The applicant states that between the years 1912 and 1915, the building and site of the Pioneer Saloon were constructed. Therefore, the building and site are appropriate for a Historical Designation. There have been little modifications to the structure since 1913 making it the oldest continuous business in Southern Nevada. The saloon has been and is the center of commercial activities in Goodsprings, Nevada. The food cart/trailer (cook trailer) was brought on-site to provide a safe cooking environment for customer dining. The kitchen facilities that were being used were not sufficient for the needs of the project. The cook trailer has been working well, and the owner desires to permanently keep the trailer on-site. The outdoor patio areas of the project that are utilized for live entertainment are very popular, and are used throughout the year. The area in the back of the saloon is used to provide the outdoor customers with entertainment. The place where the entertainers perform is enclosed on 2 sides by the saloon building and on the other 2 sides by the block wall that encloses the outdoor area. The entertainment is for the people within the courtyard and is kept at a volume that cannot be heard outside of the patio area. The separation is sufficient to prevent the sound of the entertainment from reaching the residential areas. The outside dining and drinking area is also very popular as customers play games (i.e. bag toss) and enjoy the outdoors. The area has a wall that displays the name of employees that have worked to keep the Pioneer Saloon in business. Also, this is an area where weddings, birthdays, and family celebrations take place. The area on the east side of the saloon is enclosed
by a decorative fence, landscaping trees, and bushes. The east side of this area is bordered by Fayle Street. It is currently developed as a half street but will be fully developed as a 60 foot wide street when development occurs to the east. The west side of this area is buffered by the saloon building and the outdoor courtyard north of the saloon. The buffering and separation are sufficient to prevent the sounds of the customers from reaching the neighboring residential sites. The proposed outdoor drinking and dining area is surrounded on the east, north and south sides by landscaping, and on the west side by the saloon building and the courtyard. Construction of a 48 inch pedestrian access way would be detrimental to the environment in that area. The Pioneer Saloon environment has been maintained over the years to reflect the rural character of the western United States. The design of the parking area is a mix of a functional parking layout and large planter areas within that layout. Rather than having parking row islands, we have provided large landscape park areas that can support large trees, grass and bushes. The parking landscape deviates from the County standard design, but still satisfies the County’s principle of landscaping throughout the parking area.

The food cart/trailer (cook trailer) is functional and maintains the architectural character of the project. The shipping containers are critical to the operation of the Pioneer Saloon. The containers are painted tan to reflect the color of the desert and the parking area. They are approximately the height of the adjacent CMU wall and are out of view of the neighbors. The Pioneer Saloon environment has been maintained over the years to reflect the rural character of the western United States. The design of the parking area is a mix of a functional parking layout and large planter areas within that layout. Rather than having parking row islands, the applicant has provided large landscape park areas that can support large trees, grass, and bushes. The parking landscape deviates from the County standard design but still satisfies the County’s principle of landscaping throughout the parking area. The existing restroom building fits the architectural design of the Pioneer Saloon and the store buildings. The existing restroom facility cannot be permitted due to structural deficiencies and will be removed from the site. The proposed new restroom building will be constructed to reflect the color of the desert. The wall and roof materials will be CMU block and wood to match the existing walls and building on the site. The outdoor bar area is constructed against the existing east wall of the Pioneer Saloon. It will have a shade cover but no walls. Everything within the bar area is constructed of wood and metal sheeting to reflect the architectural character of the saloon site. The existing storage shed is used for the housing of the landscape tools and materials.

### Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>UC-18-0143</td>
<td>Food cart/trailer not located within an enclosed building – expired</td>
<td>Approved by BCC</td>
<td>April 2018</td>
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<tr>
<td>UC-0099-15 (ET-0045-17)</td>
<td>Second extension of time to reduce setback for non-decorative perimeter fence with design reviews for a manufactured restroom building and additions/modifications to an existing tavern and restaurant – expired</td>
<td>Approved by BCC</td>
<td>June 2017</td>
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<tr>
<td>Application Number</td>
<td>Request</td>
<td>Action</td>
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<tr>
<td>UC-0099-15 (ET-0045-16)</td>
<td>First extension of time to reduce setback for non-decorative perimeter fence with design reviews for a manufactured restroom building and additions/modifications to an existing tavern and restaurant – expired</td>
<td>Approved by BCC</td>
<td>June 2016</td>
</tr>
<tr>
<td>UC-0099-15 (ET-0045-16)</td>
<td>First extension of time for use permits, waivers of development standards, and design reviews for outside dining, drinking, and cooking, a fence; a manufactured restroom building; and additions/modifications to an existing tavern and restaurant – expired</td>
<td>Approved by BCC</td>
<td>June 2016</td>
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<tr>
<td>UC-0099-15</td>
<td>Original application for use permits, waivers of development standards, and design reviews for outside dining, drinking, and cooking; fence; a manufactured restroom building; and additions/modifications to an existing tavern and restaurant – expired</td>
<td>Approved by BCC</td>
<td>April 2015</td>
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<tr>
<td>UC-0807-08 (ET-0010-15)</td>
<td>Fifth extension of time to review the watchman’s manufactured home, parking lot redesign, and accessory structures in conjunction with an existing tavern and retail/general store – removed the time limit</td>
<td>Approved by BCC</td>
<td>April 2015</td>
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<tr>
<td>UC-0022-14</td>
<td>Outside dining, drinking, and cooking – expired</td>
<td>Approved by BCC</td>
<td>March 2014</td>
</tr>
<tr>
<td>UC-0807-08 (ET-0087-13)</td>
<td>Fourth extension of time to review the watchman’s manufactured home, parking lot redesign, and accessory structures in conjunction with an existing tavern and retail/general store – until March 6, 2015 to review as a public hearing</td>
<td>Approved by BCC</td>
<td>March 2014</td>
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<td>UC-0807-08 (ET-0151-12)</td>
<td>Third extension of time to review the watchman’s manufactured home, parking lot redesign, and accessory structures in conjunction with an existing tavern and retail/general store – until September 6, 2013 to review as a public hearing</td>
<td>Approved by BCC</td>
<td>March 2013</td>
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<tr>
<td>UC-0807-08 (ET-0182-10)</td>
<td>Second extension of time to review the watchman’s manufactured home, parking lot redesign, and accessory structures in conjunction with an existing tavern and retail/general store – until December 7, 2012 to commence and review as a public hearing</td>
<td>Approved by BCC</td>
<td>June 2010</td>
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Prior Land Use Requests

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<th>Application Number</th>
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<td>UC-0807-08 (ET-0267-09)</td>
<td>First extension of time to review the watchman’s manufactured home, parking lot redesign, and accessory structures in conjunction with an existing tavern and retail/general store – until November 4, 2010 to review as a public hearing</td>
<td>Approved by BCC</td>
<td>November 2009</td>
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<tr>
<td>UC-0807-08</td>
<td>Use permits, waivers of development standards, and design review for a watchman’s manufactured home, parking lot redesign, and accessory structures in conjunction with an existing tavern and retail/general store – 1 year to commence and review as a public hearing</td>
<td>Approved by BCC</td>
<td>January 2009</td>
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Surrounding Land Use

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<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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<tr>
<td>North</td>
<td>Rural Neighborhood (up to 2 du/ac)</td>
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</tr>
<tr>
<td>South</td>
<td>Commercial General</td>
<td>C-2</td>
</tr>
<tr>
<td>East</td>
<td>Rural Neighborhood (up to 2 du/ac)</td>
<td>C-2</td>
</tr>
<tr>
<td>West</td>
<td>Rural Neighborhood (up to 2 du/ac) &amp; Commercial General</td>
<td>C-2</td>
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STANDARDS FOR APPROVAL:
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

By retaining local identity, historic preservation can benefit communities and strengthen civic pride. Historic preservation can also contribute to the economic development and vitality of a community by promoting local and regional businesses, and it can encourage tourism related to historic resources. The Pioneer Saloon is a unique asset to the community of Goodsprings, and contributes to a sense of place and history. Goal 1 of the Historic Preservation Element of the Comprehensive Master Plan encourages community efforts in Clark County that promote the identification and protection of historic resources and programs in Clark County, including
recognition of sites on the State and National registers, as well as those designated by Clark County. The existing facility is included on the Nevada Register of Historic Places and complies with the aforementioned policy. Staff finds the proposed request complies with the goals and policies of the Historic Preservation Elements.

Staff can support the applicant’s request for the various accessory uses associated with the proposed Historical Designation for the Pioneer Saloon. The food cart/trailer is necessary to prepare and cook food for customers visiting the restaurant and tavern. The trailer is set back over 65 feet from the south property line along Spring Street, and is located behind the existing retail store and tavern. The recreational facility, which includes an accessory wedding chapel, is a compatible use with the existing facility. Ghost and star gazing tours, in addition to weddings, are typically held at the existing tavern. Staff finds the use permit request appropriate, based on the types of activities that are being offered by the applicant at the facility.

Staff finds the outdoor live entertainment request is a compatible use with the tavern and restaurant. However, staff is concerned the live entertainment may impact the surrounding residential uses. The parcels of land to the east and south of the project site are planned for residential uses and are currently undeveloped. However, the lots to the north and west are developed with single family residences. The outdoor area for live entertainment within the project site is set back 224 feet and 198 feet from the residential development to the north and west, respectively. Staff can support the request for outdoor live entertainment subject to limiting the hours from 4:00 p.m. to 8:00 p.m., Sunday through Thursday, and from 4:00 p.m. to 10:00 p.m., Friday and Saturday.

Staff can support the request to allow outside dining, drinking and cooking with the existing facility. The parcels of land to the east are planned for residential uses; however, the lots are currently undeveloped. The outside dining, drinking and cooking areas are set back 189 feet and 175 feet from the single family residences to the north and west, respectively. The existing outside dining, drinking and cooking areas should have minimal impact on the surrounding uses. Therefore, staff recommends approval of the use permit request.

**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.

**Waiver of Development Standards #1**
The intent of parking lot landscaping is to provide climate adaptable plant materials that improve the visual appearance of the project site, enhance environmental conditions by providing shade and reducing storm water run-off, and to provide buffer areas between land uses of varying intensity. Staff finds the applicant has provided an acceptable landscaping alternative in lieu of constructing the required landscape finger islands. Mitigation has been provided in the form of 17 trees being dispersed throughout the interior of the parking lot. Multiple shrubs and
groundcover will also be planted within the landscape planters distributed throughout the parking lot. Urban Specific Policy 12 encourages drought tolerant landscape design techniques in new developments and retrofitting older areas. The landscaping utilized within the parking lot re-design complies with the aforementioned policy. The landscape plan is compatible with the surrounding area, and will improve the aesthetics of the existing site; therefore, staff recommends approval.

Waivers of Development Standards #2 & #3
The existing non-decorative perimeter fence was previously approved by the BCC in April 2015, but has since expired since the applicant did not apply for the fence permit. While staff typically does not support requests to reduce setbacks, the existing fence is located directly behind the previously approved landscape areas adjacent to Fayle Street and Spring Street. The non-decorative fence, consisting of corrugated metal sheets framed by wood posts, is consistent with the architecture of the existing on-site buildings. Therefore, staff recommends approval of the requests.

Design Review #1
The food cart/trailer is necessary to prepare and cook food for customers visiting the restaurant and tavern. The trailer is set back over 65 feet from the south property line along Spring Street, and is located behind the existing retail store and tavern. The design of the food cart/trailer will not have a negative impact on the surrounding land uses and properties; therefore, staff recommends approval of this request.

Design Reviews #2 & #4
The shipping containers are located within the rear of the development, and are set back 190 feet from Spring Street and 140 feet from Fayle Street. The structures are painted with neutral, earth tone colors to match the surrounding environment. The storage building consists of a wood exterior with a metal roof, with architecture that is compatible with the existing on-site buildings. The architecture and materials of the proposed restroom building, including the CMU block and corrugated metal awning, are compatible with the design of the existing tavern and retail buildings. The existing and proposed structures should not have an impact on the surrounding land uses and properties; therefore, staff can support these requests.

Design Review #3
Staff finds the re-design of the existing parking lot is functional and allows for proper vehicular circulation throughout the site. Urban Specific Policy 12 encourages drought tolerant landscape design techniques in new developments and retrofitting older areas. The landscaping utilized within the parking lot re-design complies with this policy. Therefore, staff recommends approval.

Design Review #5
The existing outdoor bar area, outside dining, drinking, cooking areas and covered patio areas are amenities for patrons of the facility and complement the existing restaurant and tavern use. The requirement for the 48 inch wide pedestrian access, as it specifically applies to this project site, is impractical. Eliminating the pedestrian access around the perimeter of the outside dining and drinking areas should have minimal to no impact on the site. Allowing direct access to the
existing outside dining area where the primary means of access is required through the interior of the restaurant should not impact the site. The detached patio areas have been in operation for many years without any incidents or public complaints. Staff finds the outdoor bar area, outside dining, drinking and cooking areas are compatible with the existing facility and should not have an impact on the surrounding land uses and properties; therefore, staff recommends approval.

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

PRELIMINARY STAFF CONDITIONS:

Current Planning
- 1 year to complete the restroom building with any extension of time to be a public hearing;
- Live entertainment limited from 4:00 p.m. to 8:00 p.m., Sunday through Thursday, and from 4:00 p.m. to 10:00 p.m., Friday and Saturday;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a design review must be approved by the Board of County Commissioners prior to all new construction or alteration to the exterior of a building with Historical Designation unless the Zoning Administrator determines that the proposal is minor in nature and impact; approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; 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 the completion within the time specified; and that this application must commence with 2 years of approval date or it will expire.

Public Works - Development Review
- No comment.

Southern Nevada Health District (SNHD) - Septic
- Applicant is advised to schedule an appointment with the SNHD Environmental Health Division at (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.
APPLICANT:  ENGINEERING & CONSULTING ALLIANCE
CONTACT:  JENNIFER GARCIA, ENGINEERING & CONSULTING ALLIA, 1740 DELL RANGE BLVD, SUITE 454H, CHEYENNE, WY  82009