

City of Las Vegas

AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: OCTOBER 10, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: DUTCH BROS COFFEE - OWNER: COLUMBIA GROUP BIG, LLC

**** STAFF RECOMMENDATION(S)****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0155-SDR1	Staff APPROVES, subject to conditions.	

**** NOTIFICATION****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 34

NOTICES MAILED 597

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0155-SDR1 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Rezoning [Z-0003-89(3)] shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan date stamped 08/17/23; and building elevations date stamped 07/31/23, except as amended by conditions herein.
4. An Exception of Title 19.08.040 is hereby approved, to allow two 24-inch box trees in the interior parking lot area where three are required.
5. A Waiver of Title 19.08.040(B)(6)(c) is hereby approved, to allow the building to not be placed at the street edge at the minimum setback line.
6. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
9. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Prior to the issuance of permits, dedicate right-of-way for a bus turnout/right turn lane on Rampart Boulevard in conformance with Standard Drawing #234.4 and grant a Bus Shelter Pad Easement in conformance with Standard Drawing #234.2 for the existing bus stop on Rampart Boulevard adjacent to this site unless the Regional Transportation Commission (RTC) acknowledges in writing that this easement is not required. Construction of the bus turnout/right turn lane is required concurrent with on-site development.
12. In accordance with Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site.
13. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.
14. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
15. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Remove for sites where all r/w already exists - The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in

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accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

16. Queues for the overall shopping center shall not extend into the public right-of-way as a result of the drive-thru operations on this site.
17. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to submittal of any construction drawings or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage study update.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 950 square-foot Restaurant with a Drive-Through development within an existing 132,376 square-foot shopping center on 11.75 acres located on the east side of Rampart Boulevard, approximately 250 feet north of Lake Mead Boulevard.

ISSUES

- The proposed Restaurant is a permitted land use within the existing C-1 (Limited Commercial) zoning district.
- The proposed Drive-Through is a Conditional Land Use within the existing C-1 (Limited Commercial) zoning district.
- The applicant has requested a Waiver of Title 19.08.040(B)(6)(c) building orientation development standards to allow the building to not be placed at the street edge at the setback line. Staff recommends approval of the request.
- The applicant has requested an Exception of Title 19.08.040 interior parking lot development standards to allow two 24-inch box trees in the interior parking lot area where three are required. Staff recommends approval of the request.

ANALYSIS

This is a request for a Site Development Plan Review for a proposed 950 square-foot Restaurant with a Drive-Through (Dutch Bros) within an existing 132,376 square-foot shopping center (South Shores) located at the northeast corner of Lake Mead Boulevard and Rampart Boulevard. The subject site has a zoning designation of C-1 (Limited Commercial) and is subject to Title 19 development standards, which allow the proposed Restaurant as a permitted land use and the Drive-Through as a conditional land use.

The submitted justification letter indicates, “The project proposes to develop a portion of Parcel 1 of the South Shores Shopping Center for construction of a new 950-square-foot Dutch Bros Coffee with dual drive-through lanes and associated site improvements, including a trash enclosure, parking, landscaping, and various site amenities. A separate covered service window will be offered for walk-up customers on the southeastern side of the building opposite the drive-through service window. It faces the main entrance and sidewalk to the overall development to attract the attention of nearby pedestrians.”

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Drive-Through Conditional Use Requirements:

1. A single-station drive-through shall have a stacking lane that will accommodate a minimum of six vehicles, including the vehicle at the station. A multiple-station drive-through shall have stacking lanes that will accommodate a minimum of three vehicles per station, including the vehicle at that station.

The submitted site plan indicates that the proposed 950 square-foot Restaurant with a Drive-Through (Dutch Bros) will provide a double-station drive-through that will provide a stacking lane which will accommodate 15 vehicles with a minimum of six vehicles in each lane, which exceeds the three vehicles per station minimum.

2. The drive-through shall be screened in accordance with LVMC 19.08.040(F).

The submitted landscaping plan indicates that the proposed development complies with all Title 19.08.040(F) landscape buffer screening requirements and approved Plot Plan and Building Elevation Review [Z-0003-89(3)] landscape plan.

The proposed building is approximately 24 feet in height measured to the top of the parapet. The structure will have a light grey, dark grey and dark blue metal panel façade finish with “Eldorado” stone veneer accents. The floor plan for the structure shows a typical layout for a Restaurant with Drive-Through with no interior dining area. The submitted floor plans depict drive-through service area, ADA accessible restrooms, office, food preparation and walk-in cooler space.

The applicant has indicated that all existing perimeter landscaping located to the west of the development site will remain in compliance with Title 19.08.040(F) landscape development standards. Per the submitted landscape plan a 20-foot landscape buffer is provided on the west perimeter of the development adjacent to Rampart Boulevard. Within the interior pad parking lot area and perimeter buffers the applicant has indicated that a combination of 24-inch box Wilson Olive, Red Push Chinese Pistache and Chilean Mesquite trees with five-gallon shrubs will be provided.

With the addition of the proposed 950 square-foot structure the overall square-footage of the shopping center will increase to 133,326 square feet in floor area. Pursuant to Title 19.12 the 133,326 square-foot shopping center is required to provide a minimum of 534 parking spaces, where currently 663 parking spaces are provided. The proposed Restaurant with Drive-Through development will remove 73 existing parking spaces and replace them with 30 parking spaces resulting in a net loss of 43 parking spaces on-site. An overall total of 620 parking spaces will remain on-site, which meets Title 19.12 requirements.

Also, Title 19.08.040(B)(6)(c) building orientation development standards state, “In order to develop and maintain a strong street edge, buildings for standalone projects or

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individual pad developments associated with a larger commercial center should be located at the front of the site at the minimum setback line, with the exception of additional width landscaping or a single drive-through lane.” Due to the fact the proposed structure is not located at the minimum setback line and is separated from the Rampart Boulevard street frontage by a double lane drive through the applicant has requested a Waiver of this development standard.

However, Staff finds the requested building orientation Waiver will have minimal negative impact to the surrounding commercial uses. Due to the fact, the subject site is located within an existing shopping center, with existing structures that are also not oriented to the street frontage. In addition, the proposed double lane drive-through has been adequately screened from Rampart Boulevard by perimeter landscape buffer planting materials. Also, staff notes that Dutch Bros typically has a high volume of drive-through customers. Staff believes the double lane drive through line will help facilitate on-site vehicular circulation.

Since the proposed project is compatible with the adjacent developments and meets all the minimum requirements of Title 19 and the conditions of approval of the previous site development plan reviews for the shopping center, staff has administratively approved the application.

FINDINGS (23-0155-SDR1)

In order to approve a Site Development Plan application, per Title 19.16.100(E) the following shall be affirmed:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed Site Development Plan Review remains consistent with the approved shopping center plan and is compatible with adjacent development in the area.

- 2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed Restaurant with Drive Through development conforms to the General Plan and the overall site development plan for the shopping center with exception to the requested Waiver. However, Staff finds the requested building orientation Waiver will have minimal negative impact to the surrounding commercial uses.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

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Site access (ingress and egress) for this shopping center will remain from Rampart Boulevard a 120-foot Primary Arterial and Lake Mead Boulevard a 115-foot Primary Arterial street as designated by the Master Plan of Streets and Highways. These streets adequate in size to handle the volume of vehicular traffic that will be generated by the commercial development.

4. Building and landscape materials are appropriate for the area and for the City;

The proposed building materials and landscape materials are appropriate for the area and for the City. The applicant has proposed a color and material scheme that remains consistent with the colors and materials of the overall shopping center.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The building elevations, design characteristics and other architectural and aesthetic features are attractive and compatible with development in the area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The project will be subject to building permit review and inspections during construction and business licensing requirements prior to operating. Therefore, appropriate measures will be taken to protect public health, safety and general welfare.

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BACKGROUND INFORMATION

Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
12/02/86	The City Council approved a Petition of Annexation (A-0020-86) of approximately 5,637 acres generally located on the south side of Cheyenne Avenue, west of Buffalo Drive.
03/01/89	The City Council approved a request for a Rezoning (Z-0003-89) from N-U (Non-Urban) under resolution of intent to R-PD5 and C-1 to R-PD5 (Residential Planned Development - 5 Units per Acre) and C-1 (Limited Commercial) for proposed retail stores, offices, hotel, single family and multi-family residential development on property located on the north side of Lake Mead Boulevard, between Buffalo Drive and Rampart Boulevard.
03/27/90	The Planning Commission approved a request for Plot Plan and Building Elevation Review [Z-0003-89(3)] for a proposed shopping center on property located on the northeast corner of Lake Mead Boulevard and Rampart Boulevard.
04/15/92	The City Council approved a request for a Special Use Permit (U-0020-92) to allow an additional five (5) coin-operated gaming existing fifteen (15) slot machines (total 20) in an Albertson's store.

Most Recent Change of Ownership	
04/19/22	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
03/22/94	A building permit (#94323790) was issued for on-site improvements for a commercial development (South Shore Center) at 8532 West Lake Mead Boulevard. The permit was finalized on 07/28/94.
04/12/94	A building permit (#94326600) was issued for a shell building for a commercial development (South Shore Center) at 8532 West Lake Mead Boulevard. The permit has not been finalized.

Pre-Application Meeting	
03/27/23	A meeting was held with the applicant to discuss the submittal process and procedures for a Site Development Plan Review for a proposed Restaurant with a Drive Through development.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

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Field Check	
08/08/23	Staff visited the site and found well maintained shopping center, free of trash and debris.

Details of Application Request	
Site Area	
Gross Acres	4.11

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family, Detached	ML (Medium-Low Density Residential)	R-PD5 (Residential Planned Development - 5 Units per Acre)
South	Shopping Center	SUM (Summerlin) - VC (Village Commercial)	P-C (Planned Community)
East	Single Family, Detached	ML (Medium-Low Density Residential)	R-PD5 (Residential Planned Development - 5 Units per Acre)
West	Shopping Center	SUM (Summerlin) - VC (Village Commercial)	P-C (Planned Community)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
South Shores	Y
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to 19.08.070, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	765 Feet	Y
Min. Setbacks			
• Front (west)	10 Feet	58 Feet	Y
• Side (north)	10 Feet	198 Feet	Y
• Corner (south)	10 Feet	403 Feet	Y
• Rear (east)	10 Feet	1,066 Feet	Y
Max. Lot Coverage	50 %	26 %	Y
Max. Building Height	N/A	One Story, 24 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• West	1 Tree / 20 Linear Feet	7 Trees	7 Trees	Y
TOTAL PERIMETER TREES		7 Trees	7 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	3 Trees	2 Trees	N*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• West	15 Feet		20 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Y

*The applicant has requested an Exception to allow two 24-inch box trees in the interior parking lot area where three are required.

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Rampart Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	120	Y
Lake Mead Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	115	Y

Pursuant to Approve Plot Plan Review [Z-0003 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
			Shopping Center (Existing)	132,376 SF	1:250	530	
Restaurant w/ Drive Through (Proposed)	950 SF	1:250	4				
TOTAL SPACES REQUIRED			534		620		Y or N
Regular and Handicap Spaces Required			524	10	610	10	Y or N

Waivers		
Requirement	Request	Staff Recommendation
Pursuant to Title 19.08.040(B)(6)(c) building orientation development standards, "In order to develop and maintain a strong street edge, buildings for standalone projects or individual pad developments associated with a larger commercial center should be located at the front of the site at the minimum setback line, with the exception of additional width landscaping or a single drive-through lane."	To allow the building to not be placed at the street edge at the minimum setback line.	Approval

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<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
One tree per six uncovered spaces, plus one tree at the end of each row of spaces.	To allow two interior parking lot islands and end caps with 24-inch box trees where three are required.	Approval