



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: JULY 09, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: DUTCH BROS - OWNER: CHEYENNE
TORREY, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0197-WVR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 171

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0197-WVR1 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Site Development Plan Review (20-0300-SDR1) shall be required, except where amended herein. \
2. If approved, the southern landscape buffer adjacent to Cheyenne Avenue shall contain planting materials with a 24-inch box shade tree every 20 feet with four five-gallon shrubs for every required tree. Planting materials shall be in compliance with the Southern Nevada Regional Plant List.
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has proposed a Waiver for approved Site Development Plan Reviews (20-0300-SDR1) to allow a five-foot wide landscape buffer adjacent to a portion of the south property line where 15 feet is required for an approved Restaurant with Drive Through development on a 0.39 acre portion of a 0.84 acre commercial development at the northwest corner of Cheyenne Avenue and Torrey Pines Drive.

ISSUES

- The applicant has requested a Waiver to allow a five-foot landscape buffer on the southern perimeter of the site where 15 feet is required to accommodate for the design of the proposed dual-lane Drive Through associated with the approved restaurant. Staff recommends denial of the request.

ANALYSIS

The subject site is currently developed with an existing Restaurant with Drive-Through development on a 0.39 acre portion of a 0.84 acre commercial development at the northwest corner of Cheyenne Avenue and Torrey Pines Drive. The subject site has a zoning designation of C-1 (Limited Commercial) and is subject to Title 19 development standards.

The commercial developments site design was established by approved Site Development Plan Review (20-0300-SDR1), which was approved by the City Council on June 16, 2021. This approved plan indicated the site would be developed with two drive-through restaurants with outdoor seating. Also, the plan indicated that a 15-foot wide landscape buffer is required on the southern perimeter of the site adjacent to Cheyenne Avenue.

The applicant has requested a Waiver to allow a five-foot landscape buffer on a portion of the southern perimeter of the site where 15 feet is required to accommodate for the design of the proposed dual-lane Drive Through associated with the approved restaurant on the eastern portion of the subject site. Staff finds the request to be a self-imposed hardship, primarily due to the fact the subject has already been developed with the required 15-foot landscape buffer adjacent to Cheyenne Avenue. Therefore, staff recommends denial of the requested Waiver. If approved, the request will be subject to conditions.

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FINDINGS (24-0197-WVR1)

Staff finds the requested Waiver to reduce the previously approved and existing 15-foot wide landscape buffer to five feet to be a self-imposed hardship due to the fact the subject has already been developed. Therefore, staff recommend denial of the requested Waiver.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
04/13/21	The Planning Commission accepted a request to withdraw without prejudice Variance (20-0300-VAR1) to allow 22 parking spaces where 25 are required at the northwest corner of Cheyenne Avenue and Torrey Pines Drive.
06/16/21	The City Council approved a request for a General Plan Amendment (20-0300-GPA1) from DR (Desert Rural Density Residential) to SC (Service Commercial) on 0.88 acres at the northwest corner of Cheyenne Avenue and Torrey Pines Drive. The Planning Commission recommended approval of the request.
	The City Council approved a request for a Rezoning (20-0300-ZON1) from R-E (Residence Estates) to C-1 (Limited Commercial) on 0.88 acres at the northwest corner of Cheyenne Avenue and Torrey Pines Drive. The Planning Commission recommended approval of the request.
	The City Council approved a request for a Special Use Permit (20-0300-SUP1) for an alternative parking standard to allow 22 parking spaces where 24 are required at the northwest corner of Cheyenne Avenue and Torrey Pines Drive. The Planning Commission recommended approval of the request.
	The City Council approved a request for a Site Development Plan Review (20-0300-SDR1) for a proposed commercial development consisting of two drive-through restaurants with outdoor seating on 0.88 acres at the northwest corner of Cheyenne Avenue and Torrey Pines Drive. The Planning Commission recommended approval of the request.
05/10/22	The Planning Commission approved a request for a Tentative Map (22-0123-TMP1) for a one-lot commercial subdivision on 0.88 acres at the northwest corner of Cheyenne Avenue and Torrey Pines Drive. Staff recommended approval of the request.
02/15/23	The Department of Community Development - Planning Division processed a request for a Final Map Technical request for a one-lot commercial subdivision on 0.88 acres at the northwest corner of Cheyenne Avenue and Torrey Pines Drive. The map recorded on 08/23/23.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
09/06/23	The City Council approved a request for a for a first Extension of Time (23-0359-EOT1) of a previously approved Special Use Permit (20-0300-SUP1) for an alternative parking standard to allow 22 parking spaces where 24 are required at the northwest corner of Cheyenne Avenue and Torrey Pines Drive. Staff recommended approval of the request.
	The City Council approved a request for a for a first Extension of Time (23-0359-EOT2) of a previously approved site development plan review (20-0300-SDR1) for a proposed commercial development consisting of two drive-through restaurants with outdoor seating at the northwest corner of Cheyenne Avenue and Torrey Pines Drive. Staff recommended approval of the request.

<i>Most Recent Change of Ownership</i>	
05/03/24	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/21/23	A building permit (#L22-02523-A001) was processed for offsite improvements (Cheyenne and Torrey Pines) for the installation of landscaping in the right-of-way along Cheyenne Avenue and Torrey Pines Drive. The permit has not been issued.
03/09/23	A building permit (#L22-02523-A002) was processed for a License Agreement (Cheyenne and Torrey Pines) for the installation of landscaping in the right-of-way along Cheyenne Avenue and Torrey Pines Drive. The permit has not been issued.
04/20/23	A building permit (#L23-00779) was processed for early grading, soil report and site balance (Cheyenne and Torrey Pines) at the northwest of Cheyenne Avenue and Torrey Pines Drive. The permit has not been issued.
06/28/23	A building permit (#L22-02523) was issued for civil improvements for two drive-through restaurants (Cheyenne and Torrey Pines) at the northwest corner of Cheyenne Avenue and Torrey Pines Drive. The permit has not been finalized.
09/19/23	A building permit (#C23-00250) was issued for installation install four (4) sets illuminated channel letters, two (2) non-illuminated directional signs and one (1) illuminated single-faced menu board. (The Human Bean) at 6408 West Cheyenne Avenue. The permit has not been finalized.
10/26/23	A building permit (#C23-01356) was issued for offsite improvements (Cheyenne and Torrey Pines) for the installation of landscaping in the right-of-way along Cheyenne Avenue and Torrey Pines Drive. The permit has not been issued.

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Related Building Permits/Business Licenses

01/09/24	A building permit (#C23-01356-R001) was issued for offsite improvements (Cheyenne and Torrey Pines) for the installation of landscaping in the right-of-way along Cheyenne Avenue and Torrey Pines Drive. The permit was finalized on 01/09/24.
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Pre-Application Meeting

04/08/24	Staff conducted a pre-application meeting where the submittal requirements for a Waiver of perimeter landscape buffer requirements to approved Site Development Plan Review (20-0300-SDR1) were discussed.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
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Field Check

05/23/24	During a routine site visit staff observed the subject site is currently developed with a Drive-Through Restaurant commercial development. During the visit staff noted that required planting materials in the southern landscape buffer were missing. This issue was referred to code enforcement for further investigation.
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Details of Application Request

Site Area

Gross Acres	0.39
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Two Drive-Through Restaurants	SC (Service Commercial)	C-1 (Limited Commercial)
North	Residential Single-Family Detached	REN (Ranch Estate Neighborhood) - Clark County	RS20 (Residential Single Family 20) - Clark County

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
South	Church/House of Worship	R (Rural Density Residential)	R-E (Residence Estates)
	Residential Single-Family Detached	RN (Rural Neighborhood) - Clark County	R-E (Rural Estates Residential District) - Clark County
East	Vacant Building	L (Low Density Residential)	P-O (Professional Office and Parking)
West	Vacant Building	RNP (Rural Neighborhood Preservation)	P-R (Professional Office and Parking)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Rancho	Y
Northwest Open Space Plan	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District - (105 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

DEVELOPMENT STANDARDS

Pursuant to approved Site Development Plan Review (20-0300-SDR1) and Title 19.08, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	13 Trees	13 Trees	Y
• South	1 Tree / 20 Linear Feet	10 Trees	10 Trees	Y
• East	1 Tree / 20 Linear Feet	4 Trees	6 Trees	Y
• West	1 Tree / 20 Linear Feet	6 Trees	6 Trees	Y
TOTAL PERIMETER TREES		33 Trees	33 Trees	Y

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Pursuant to approved Site Development Plan Review (20-0300-SDR1) and Title 19.08, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	8 Trees	9 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		10 Feet	Y
• South	15 Feet		5 Feet	N*
• East	15 Feet		15 Feet	Y
• West	8 Feet		8 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		By Previous Condition	Y

*The applicant has requested a Waiver to allow a five-foot landscape buffer on the southern perimeter of the site where 15 feet was required. Staff notes approximately 10 additional feet of landscaping is located adjacent to the southern perimeter of the site within the Cheyenne Avenue right-of-way.

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Cheyenne Avenue	Freeway / Expressway	Master Plan of Streets and Highways Map	100	Y*
Torrey Pines Drive	Major Collector	Master Plan of Streets and Highways Map	80	Y*

*Staff previously added Conditions of Approval to Site Development Plan Review (20-0300-SDR1) to ensure the required streets improvements such as a bus shelter pad, sidewalk, curb and gutter are installed in conjunction with the proposed development.

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Pursuant to approved Site Development Plan Review (20-0300-SDR1) a 15-foot wide landscape buffer was required on the southern perimeter of the site adjacent to Cheyenne Avenue.	To allow a five-foot wide landscape buffer on a portion of the southern perimeter	Denial