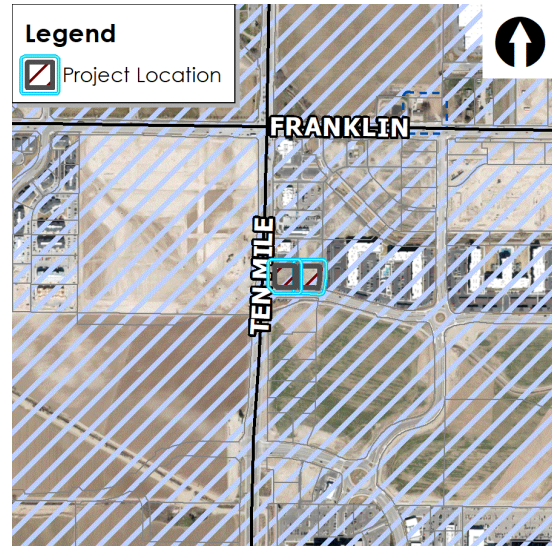


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: May 18, 2023
 TO: Planning & Zoning Commission
 FROM: Stacy Hersh, Associate Planner
 208-884-5533
 SUBJECT: H-2023-0020 – Dutch Bros at Ten Mile CUP
 LOCATION: 320 & 330 S. Ten Mile Road in the NE ¼ of the Northwest ¼ of Section 14, Township 3N., Range 1W. (Parcels #R8483010020 & R8483010030)



I. PROJECT DESCRIPTION

Conditional Use Permit request for a new approximate 5,825-foot multi-tenant building with a drive-through located within 300 feet of an existing drive-through facility, residential district, and existing residence, on approximately 1.5 acres of land in the C-G zoning district.

II. SUMMARY OF REPORT

A. Project Summary

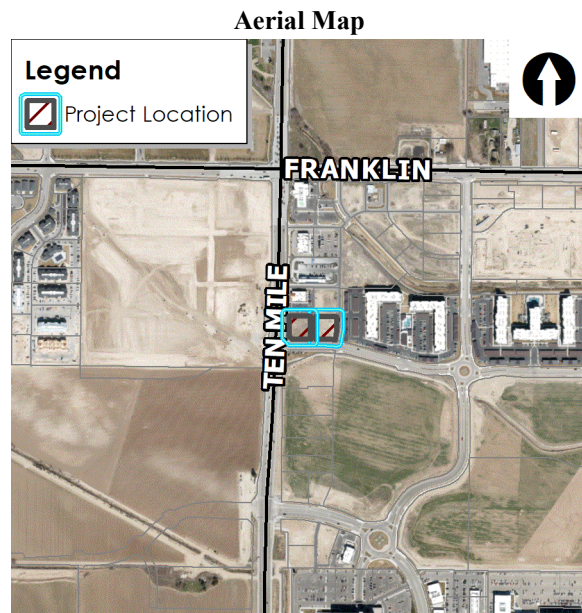
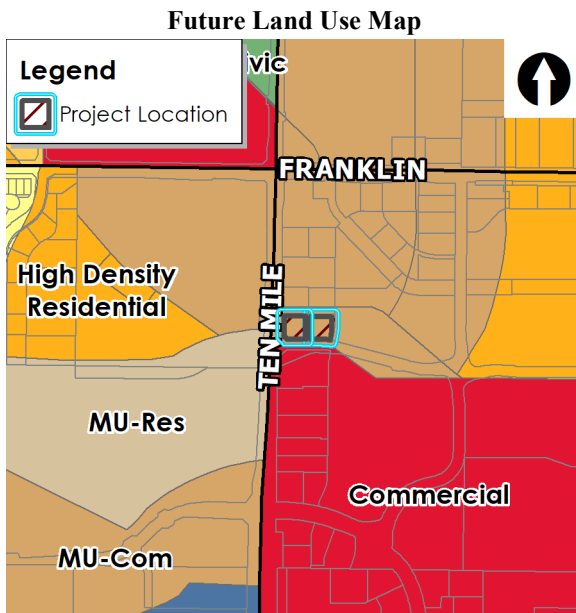
Description	Details	Page
Acreage	1.5 acres (Conditional Use Permit)	
Future Land Use Designation	MU-COM (mixed-use commercial)	
Existing Land Use	Vacant/undeveloped	
Proposed Land Use(s)	Dutch Bros. Coffee – Multi-tenant building (restaurant with a drive-through)	
Current Zoning	C-G	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	3/14/2023; 1 attendee	

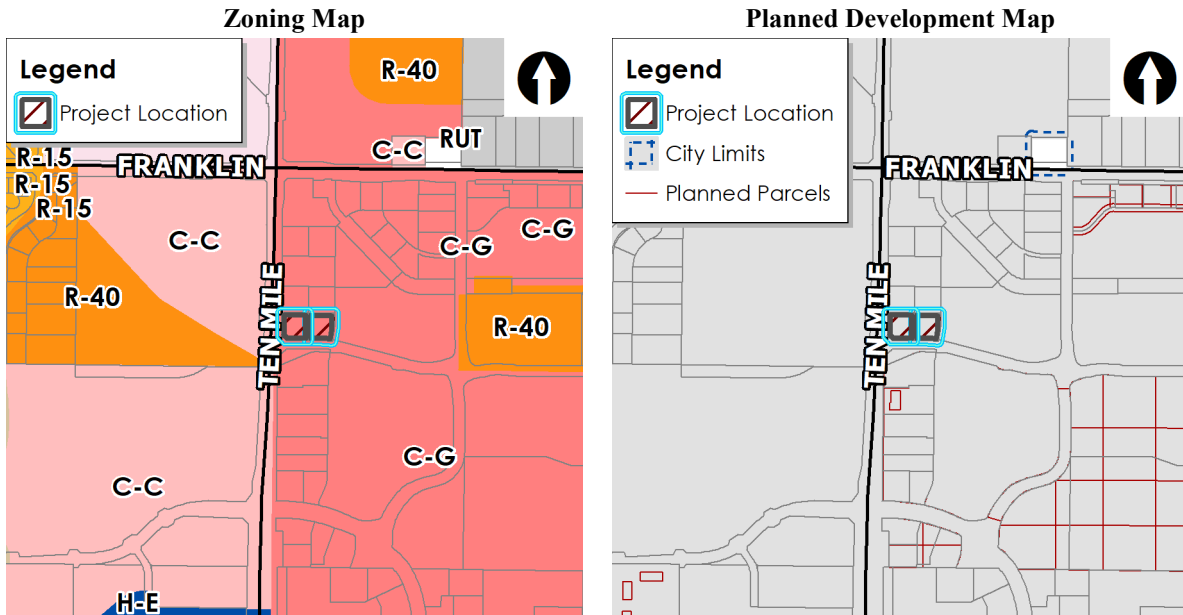
Description	Details	Page
History (previous approvals)	Annexation (AZ-13-015); Preliminary Plat (PP-13-030); Final Plat (FP-14-039), DA#2021-089157	

B. Community Metrics

Description	Details
Ada County Highway District	
<ul style="list-style-type: none"> • Staff report (yes/no) 	Yes
<ul style="list-style-type: none"> • Requires ACHD Commission Action (yes/no) 	No
Traffic Impact Study (yes/no)	No
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed from S. Innovation Lane (private street) via W. Cobald Drive at the South boundary of the site.
Trip Generation	170 additional vehicle trips per day; and 15 additional vehicle trips per hour on the PM peak hour.

C. Project Area Maps





III. APPLICANT INFORMATION

A. Applicant:

Shelby Eldridge, Barghausen Consulting Engineers, Inc.– 18215 72nd Avenue South, Kent WA 98032

B. Owner:

SCS Brighton, LLC – 12601 W. Explorer #200

C. Agent/Representative:

Shayna Randall, Dutch Bros West Treasure Valley – 2114 N. Elder Street

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/3/2023	
Radius notification mailed to properties within 500 feet	4/28/2023	
Public hearing notice sign posted on site	5/5/2023	
Nextdoor posting	4/28/2023	

V. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPPLAN](https://www.meridiancity.org/compplan)):

Land Use:

This property is designated Mixed Use – Commercial (MU-COM) within the Ten Mile Interchange Specific Area Plan on the Future Land Use Map (FLUM).

The purpose of the MU-COM designation is to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, employment, and other miscellaneous uses,

with supporting multi-family or single-family attached residential uses (see pg. 3-9 in the TMISAP for more information).

Mixed-use designated areas in the TMISAP are recommended locations for development of activity centers that are specifically planned to include both residential and non-residential uses. Mixed-use areas are anticipated to have 3 or more significant income-producing uses (I.E. retail, office, residential and lodging facilities) with significant functional and physical integration in conformance with the coherent plan (pgs. 3-7 & 3-8).

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Plan for an appropriate mix of land uses that ensures connectivity, livability, and economic vitality.” (3.06.02)
The proposed use will contribute to the mix of uses in this area that ensure the livability and economic vitality of the community.
- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)
The subject mixed-use area is currently a diverse and active community, featuring a variety of retail, restaurant, office, and residential uses, as well as a multi-family development directly to the east. To the north are commercial and office uses, including a Dentist’s office, Primary Health, various restaurants, car wash, bank, Sherwin Williams, and an Eintein’s Oilery. To the south, there are proposed restaurant uses, retail shops, and a Saltzer Medical Office. Across Ten Mile Road to the west, new development is sprouting up, featuring multi-family residences, retail, office space, and other uses. The proposed Dutch Bros. coffee restaurant will enhance this vibrant area by adding a popular drive-through coffee chain option for area residents, especially those living in nearby residential developments. The new establishment will also create job opportunities for nearby residents.
- “Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A).
Along the entire frontage of S. Ten Mile Road, there is an existing 10-foot wide pathway located within the buffer. A 5-foot wide detached sidewalk is also present within the landscape buffer along W. Cobalt Drive, which will connect to the multi-use pathway at the intersection of Cobalt Drive and Ten Mile Road. The development requires a minimum 5-foot wide sidewalk adjacent to all commercial buildings and along the main driveways within the site. These sidewalks will facilitate pedestrian connectivity and easy access throughout the mixed-use development.
- “Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing city code.” (5.01.01F)
Operation of the proposed use should comply with City ordinances pertaining to noise, lighting, and odor disturbances.

VI. STAFF ANALYSIS

A. PROPERTY HISTORY

In 2020, a DA Modification was approved to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area to include project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area

Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in building height in the C-G zoning district of up to 100-feet to allow for 6-story buildings. Rezone of 40.98-acres from the R-40 and C-C zoning districts to the C-G zoning district, 3.9-acres from the TN-C and C-G zoning districts to R-40 zoning district, 0.65-acre from the R-8 and TN-C zoning districts to the C-G zoning district, and 0.53-acre from the TN-C zoning district to the C-G zoning district; and, Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts, by Brighton Development.

B. CONDITIONAL USE PERMIT (CUP)

Conditional use permit for a new 5,825 square foot multi-tenant building with a dual drive-through for Dutch Bros. coffee restaurant on approximately 1.5 acres of land in the C-G zoning district to allow the requested drive-through use within 300 feet of another drive-through facility, residential district, and existing residence.

Specific Use Standards (UDC 11-4-3):

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

Drive-Through Establishment: The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. All establishments providing drive-through service are required to identify the stacking lane, menu and speaker location (if applicable), and window location on the site plan. *A menu board location should be depicted on the plans.* The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum, the plan is required to demonstrate compliance with the following standards:

1) Stacking lanes have sufficient capacity to prevent obstruction of driveways, drive aisles and the public right-of-way by patrons;

The proposed site layout for the Dutch Bros coffee facility includes a separate stacking lane that provides queuing space for up to 27 vehicles, which is located behind the drive-through window. The drive-through itself starts at the northwest side of the building and exits at the southeast side, facing S. Innovation Lane. At this location, the company has proposed implementing a runner system, where employees will take orders and charge customers in person while walking alongside vehicles in the stacking lane, and customers may also place their orders at the window when there are no cars in line. This system eliminates the need for speaker boxes and menu boards, which can cause noise disturbances and increase wait times. If there is excessive overflow from the drive-through lane, it will stack into the parking lot from the east, rather than spilling onto S. Innovation Lane or W. Cobalt Drive. The concept plan also shows that the stacking lane is separate from the drive aisles and parking, which allows for easy access to the rest of the development.

2) The stacking lane shall be a separate lane from the circulation lanes needed for access and parking, except stacking lanes may provide access to designated employee parking.

The stacking lane is a separate lane from the circulation lanes needed for access and parking.

3) The stacking lane shall not be located within ten (10) feet of any residential district or existing residence;

The stacking lane is not located within 10' of any residential district or residence.

4) Any stacking lane greater than one hundred (100) feet in length shall provide for an escape lane; and

The stacking lane exceeds 100' in length and an escape lane is required. An escape lane is proposed prior to approaching the ordering window on the southwest side of the building (see paint striping on site plan).

5) The site should be designed so that the drive-through is visible from a public street for surveillance purposes.

The drive-through is located starting on the north side of the building and ending on the south side of the building. The drive-through is visible from S. Ten Mile Road and W. Cobalt Drive along the south side of the building for surveillance purposes.

Based on the above analysis, Staff deems the proposed drive-through is in compliance with the specific use standards as required.

Restaurant: The proposed use is also subject to the specific use standards listed in UDC [11-4-3-49](#) Restaurant, which requires at a minimum, one (1) parking space to be provided for every 250 square feet of gross floor area (see parking analysis below). ***The proposed multi-tenant building will include space to accommodate Dutch Bros Coffee and up to three (3) additional tenants upon project completion.***

Dimensional Standards (UDC [11-2](#)):

Development of the site shall comply with the dimensional standards of the C-G zoning district in UDC Table [11-2B-3](#). Staff has reviewed the proposed plans and building elevations and they comply with the required standards.

Access (UDC [11-3A-3](#)):

Access is proposed on the site plan from S. Innovation Lane, a private street on the west side of the property, and the collector road to the south (W. Cobalt Drive). Vehicles will enter the site from the east and will either park in the lot in front of the drive-through or continue to the west along one of the two 12' drive-through lanes merging to the coffee kiosk and exiting back to the drive aisle to the south. There is an escape lane provided just south of the coffee kiosk that exists to the drive aisle to the south. **Direct access via S. Ten Mile Road is prohibited.**

Parking (UDC [11-3C](#)):

A minimum of one (1) off-street parking space is required per 250 square feet (s.f.) of gross floor area. Based on the 5,825-foot multi-tenant building, a minimum of 23 parking spaces are required. A total of 35 parking spaces are proposed, exceeding UDC standards.

A minimum one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). ***Bicycle parking is shown on the plans submitted with this application that meet the requirements; however, a detail of the bicycle racks should be provided with the Certificate of Zoning Compliance (CZC) Application submittal.***

Pedestrian Walkways: The proposed plan includes a pedestrian walkway that will run from the east side of the building's front pick-up window to the pedestrian walkway on W. Cobalt Drive. This walkway will then lead to the existing 10-foot pathway that runs along S. Ten Mile Road, as mandated by UDC 11-3A-19.B.4.

Landscaping (UDC [11-3B](#)):

Street buffer: The street buffer along S. Ten Mile Road and W. Cobalt Drive was constructed with the improvements for the Ten Mile Creek Subdivision No. 1 for the common area site improvements. ***Staff recommends that the existing landscaping buffers along S. Ten Mile Road and W. Cobalt Drive remain in place and shall be protected during construction on the site per UDC 11-3B-10. According to UDC Table 11-2B-3, a 25-foot wide landscaped buffer is required adjacent to residential uses. However, in this case, the property lines meet in the middle of the drive aisle, meaning that the use is not contiguous to the residential property. Additionally, the adjacent residential use has already incorporated a landscape buffer, sidewalk, and garages lining the private drive, which provides additional screening and buffering.*** Parking lot: Landscaping is required in the parking lot per the standards in UDC 11-3B-8C.1. ***Staff recommends that a landscape strip be added on the east side of the parking lot, in front of the parking stalls, with a width of 3 to 4 feet. This will prevent vehicles from cutting through the parking lot.***

To accommodate the landscape strip, the parking stalls adjacent to the building can be reduced to 17 feet in length and the drive aisles can be reduced to 25 feet in width (see landscape plan below). The Perimeter landscape planter around the building drive aisles (north, south, east, and west) should be 5-feet in width. Per UDC 11-3B-8C.2d, each interior planter that serves a double row of parking spaces shall have at least two (2) trees and shall be covered with low shrubs, lawn, or other vegetative ground cover. Trees shall be centered within the planters and provide urban canopy. Deciduous urban canopy trees shall be pruned to a minimum height of eight (8) feet above the adjacent parking areas.

To meet the UDC requirements mentioned above, the landscape plan should be updated in the CZC submittal to show an additional tree in the two planters that serve the double row of parking stalls.

Outdoor Lighting (UDC 11-3A-11):

All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C. Light fixtures that have a maximum output of 1,800 lumens or more are required to have an opaque top to prevent up-lighting; the bulb shall not be visible and shall have a full cutoff shield in accord with Figure 1 in UDC 11-3A-11C.

Details of the lighting proposed on the site that demonstrate compliance with the standards listed in UDC 11-3A-11 should be submitted with the Certificate of Zoning Compliance application.

Mechanical Equipment: All mechanical equipment on the back of the building and outdoor service and equipment should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#). If mechanical equipment is proposed to be roof-mount, all equipment should be screened and out of view as noted above.

Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

Conceptual building elevations were submitted for the proposed structure as shown in Section VII.C. Building materials consist of fiber cement siding, stucco, metal roofing, stone veneer in Eldorado stone, canopy soffit in natural north-western spruce, and glazing. Final design is required to comply with the adopted TM Crossing Design Guidelines.

Certificate of Zoning Compliance (UDC [11-5B-1](#)):

A Certificate of Zoning Compliance (CZC) is required to be submitted for the proposed use prior to the submittal of a building permit application to ensure compliance with UDC standards and the conditions listed in Section X.

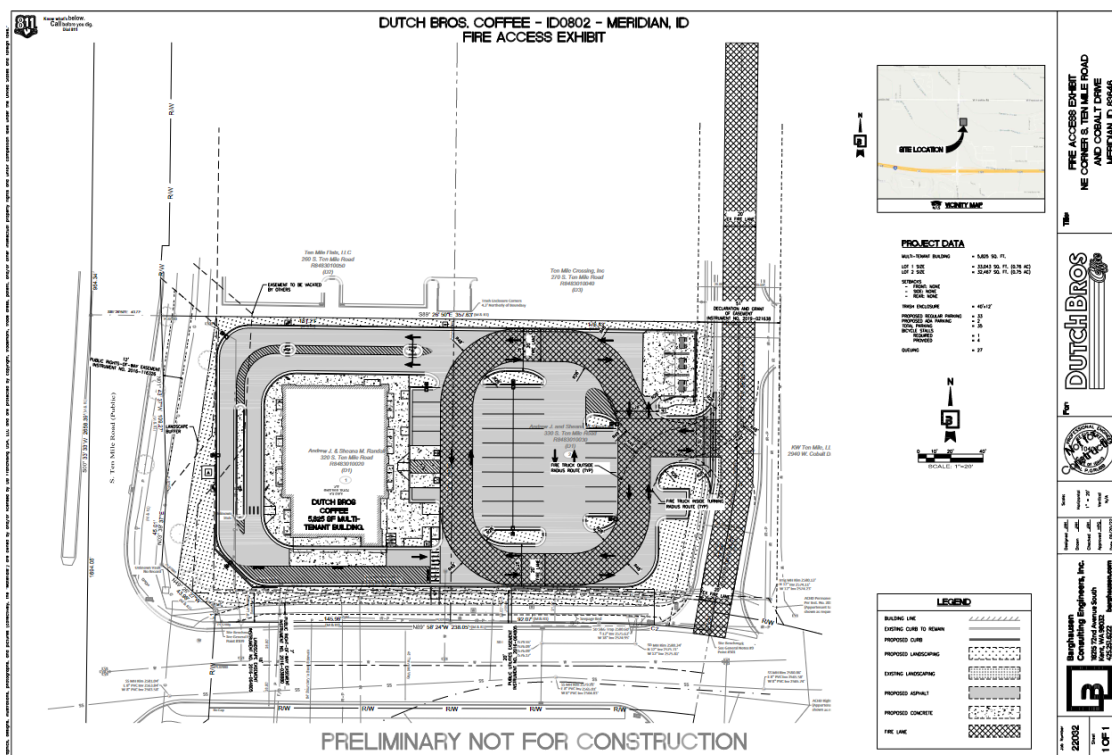
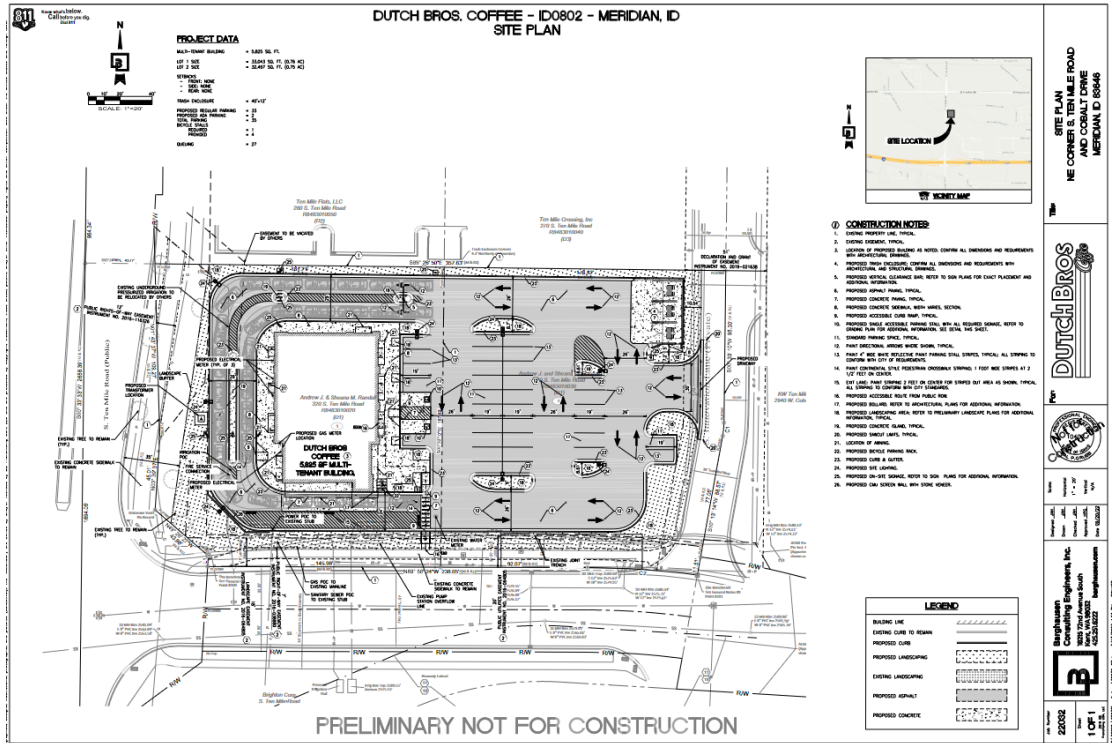
VII. DECISION

A. Staff:

Staff recommends approval of the Conditional Use Permit per the provisions included in Section IX in accord with the Findings in Section X.

VIII. EXHIBITS

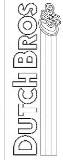
A. Site Plan (date: 9/20/22)



C. Dutch Bros. Coffee Proposed Elevations



THE BUILDING ELEVATIONS
NE CORNER & TEN MILE ROAD
AND COBALT DRIVE
MERIDIAN, ID 83446



Barghausen
Consulting Engineers, Inc.
1000 S. 10th Street
Meridian, ID 83446
(208) 325-0222
barghausen.com

20202
B.C.
10/1/2020

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Conditional Use Permit:

1. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
 - b. Additional signage and parking lot striping is required throughout the site to efficiently and adequately direct patrons to the menu boards and throughout the site with minimal conflict.
 - c. The perimeter landscape planter surrounding the building's drive aisles (north, south, east, and west) must have a width of 5 feet, as required by UDC [11-3B-8C.1](#).
 - d. Add an additional landscape strip to the east side of the parking lot, in front of the parking stalls; the strip shall be 3 to 4 feet in width.
 - e. Depict two additional trees in the planters serving the double row of parking stalls in accord with UDC [11-3B-8C.2d](#).
 - f. Depict signage ahead of each pedestrian crossing in the drive-through lane notifying drivers to watch out for pedestrians.
 - g. Submit a detail of the bike rack with the Certificate of Zoning Compliance Application.
2. The existing landscaping buffers along S. Ten Mile Road and W. Cobalt Drive remain in place and shall be protected during construction on the site per [UDC 11-3B-10](#).
3. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment and standards listed in UDC [11-4-3-49](#) – Restaurant is required.
4. A Certificate of Zoning Compliance application shall be submitted and approved for the proposed use prior to submittal of a building permit application. Compliance with the design guidelines in the Ten Mile Interchange Specific Area Plan and the design standards listed in the Architectural Standards Manual as applicable is required.
5. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC [11-5B-6F](#).

B. PUBLIC WORKS

Site Specific Conditions of Approval

1. Applicant to remove existing blow-off and connect service within 3' from dead end. All other connections (hydrants, fire lines) need to connect to existing 8" stub.
2. Ensure no sewer services cross infiltration trenches.
3. Any unused sewer stubs must be abandoned per City Standards.

General Conditions of Approval

1. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
2. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
3. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
4. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
5. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
6. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
7. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
8. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
9. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
10. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
11. Developer shall coordinate mailbox locations with the Meridian Post Office.
12. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
13. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

C. FIRE DEPARTMENT

No comments were submitted.

D. POLICE DEPARTMENT

No comments were submitted.

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=294812&dbid=0&repo=MeridianCity>

F. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=293330&dbid=0&repo=MeridianCity>

G. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=295065&dbid=0&repo=MeridianCity>

X. FINDINGS

A. Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

Staff finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the C-G district (see Analysis, Section VI for more information).

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.

Staff finds the proposed restaurant with a drive-through will be harmonious with the uses allowed in the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VI of this report.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

Staff finds the design, construction, operation and maintenance of the proposed use will be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and will not adversely change the essential character of the area.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

Staff finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

Staff finds the proposed use will be served by essential public facilities and services as required.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

Staff finds the proposed use will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

Staff finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005).

Staff finds the proposed use will not result in the destruction, loss or damage of any such features.