



12725 SW Millikan Way, P.O. Box 4755, Beaverton, OR 97076 www.beavertonoregon.gov

June 12, 2024

Summer Zimmer
Floor & Decor
2500 Windy Ridge Parkway, SE
Atlanta, GA 30339

Subject: Floor & Decor Modification of a Decision Pre-Application Conference (PA2024-00441)

Dear Summer Zimmer,

Thank you for attending the Pre-Application Conference held on June 5, 2024. We are pleased to provide you with the following notes prepared in response to your proposal.

Comments prepared by staff are reflective of the proposal considered at the Pre-App. A copy of your proposal was also sent to other members of staff who did not attend the Pre-App but have provided written comments hereto. Please feel free to contact anyone who provided comments. Contact names, telephone numbers and e-mail addresses are listed herein.

Following every Pre-App, staff understands that there may be changes to the plan or use considered. If these changes effectively re-design the site plan or involve a change to a use not discussed, please be advised that such change could require different land use application(s) than were identified by staff at the Pre-App. It's also possible that different issues or concerns may arise from such change. In these cases, we encourage applicants to request a second Pre-App for staff to consider the change and provide revised comments accordingly.

In part, the Pre-App is intended to assist you in preparing plans and materials for staff to determine your application(s) to be "complete" as described in Section 50.25 of the City Development Code. For your application(s) to be deemed complete on the first review, you must provide everything required as identified on the Application Checklist(s) attached to land use application forms in addition to any materials or special studies identified in the summary notes hereto. If you have questions as to the applicability of any item on the checklist(s) or within this summary, please contact me directly.

On behalf of the staff who attended the Pre-App, we thank you for sharing your proposal with us. If we can be of further assistance, please do not hesitate to call.

Sincerely,

Steve Regner
Senior Planner
(503) 319-4427 / sregner@beavertonoregon.gov

PRE-APPLICATION CONFERENCE MEETING SUMMARY NOTES

Prepared for
Floor & Decor Allen Boulevard
PA2024-00441 on June 5, 2024

The following pre-application notes have been prepared pursuant to Section 50.20 of the Beaverton Development Code. All applicable standards, guidelines and policies from the City Development Code, Comprehensive Plan and Engineering Design Manual and Standard Drawings identified herein are available for review on the City's web site at: www.beavertonoregon.gov. Copies of the Development Code and Comprehensive Plan are also available for review at the City's Customer Service Kiosk located within the Community Development Department. Copies of these documents are also available for purchase.

The following is intended to identify applicable code sections, requirements, and key issues for your proposed development application. Items checked are to be considered relevant to your proposed development.

PRE-APPLICATION CONFERENCE DATE: June 5, 2024

PROJECT INFORMATION:

Project Name: Floor & Decor Modification of a Decision

Project Description: Modify Parking Determination casefile PD2022-0006 to remove condition of approval related to off-site parking.

Property/Deed Owners: Oregon Worsted Company
9701 SE McLoughlin Blvd.
Milwaukie, OR 97222
Hdietrich1@gmail.com

Site Address: 10700 SW Allen Boulevard, Beaverton, OR 970005

Tax Map and Lots: 1S122AA00200

Zoning: Community Service (CS)

Comp Plan Designation: Regional Commercial (RC)

Site Size: Approximately 17.5 acres

APPLICANT INFORMATION:

Applicant's Name: Summer Zimmer
Floor & Decor
2500 Windy Ridge Parkway, SE
Atlanta, GA 30339

Applicant's Rep: N/A

Phone / e-mail: (303-847-2869) / summer.zimmers@flooranddecor.com

PREVIOUS LAND USE HISTORY: Land use applications for the development of a hotel, two commercial buildings, and a fuel canopy were recently approved on the northern portion of the subject site (CU2021-0004, CU2021-0005, DR2021-0027, LD2021-0002, LO2021-0001, TP2021-0003). Phase 1 approval was modified via casefile LD2022-0021. Floor and Décor received approval to develop the southern portion of the site (DR2022-0078 PD2022-0006).

SECTION 50.25 (APPLICATION COMPLETENESS):

The completeness process is governed by Section 50.25 of the Development Code. The applicant is encouraged to contact staff to ask any questions or request clarification of any items found on the [application checklists](#). In addition, the applicant should be aware that staff is not obligated to review any material submitted 14 days or later from the time the application has been deemed “complete” that is not accompanied with a continuance to provide staff the necessary time to review the new material.

APPLICATION FEES:

Based on the plans and materials provided, the identified application fees (land use only) are as follows:

Parking Determination	\$1,179.15
Modification of a Decision	No Fee

***See Key Issues/Considerations herein** for description of applications and associated process. No fee increases are scheduled at this time; however, the fees are subject to change. Fees in effect at the time of application submittal will control. Please contact Current Planning (503-526-2420) or visit our website www.beavertonoregon.gov/bib prior to submittal of your application to confirm the current application fee(s).

SECTION 50.15. CLASSIFICATION OF APPLICATIONS:

Applications are subject to the procedure (Type) specified by the City Development Code. Per Section 50.95.7 of the Code, where a Modification of a Decision seeks to modify or remove a condition of approval, it must be reviewed by the same decision making authority who granted the original approval. While the Parking Determination is a Type 2 application, it was originally reviewed through the Type 3 process. As such, the process to modify the Parking Determination decision must follow the Type 3 process and will go to Planning Commission as at decision making authority.

SECTION 50.30 (NEIGHBORHOOD REVIEW MEETING):

The proposal is limited to a Modification of a Decision. Per BDC 50.95.2, a Modification of a Decision is not subject to the Neighborhood Review Meeting requirement.

CHAPTER 20 (LAND USES):

<u>Zoning:</u>	Community Service (CS)
<u>Applicable Code Sections:</u>	Section 20.10.20 for list of permitted, prohibited and conditional uses. Section 20.10.15 (Site Development Requirements).

CHAPTER 30 (NON-CONFORMING USES):

Proposal subject to compliance to this chapter? Yes No

CHAPTER 40 (PERMITS & APPLICATIONS):

Facilities Review Committee review required? Yes No

Applicable Application Type(s):

	<u>Application Description</u>	<u>Code Reference</u>	<u>Application Type</u>			
1.	Parking Determination – Shared Parking	40.55.15.12.C	<input type="checkbox"/> Type 1	<input checked="" type="checkbox"/> Type 2	<input type="checkbox"/> Type 3	<input type="checkbox"/> Type 4
2.	Modification of a Decision	50.95	<input type="checkbox"/> Type 1	<input type="checkbox"/> Type 2	<input checked="" type="checkbox"/> Type 3	<input type="checkbox"/> Type 4

Comments: In order for your application to be deemed complete, a written statement is necessary, supported by substantial evidence in response to all applicable approval criteria. Your application narrative will need to explain how and why the proposed application will meet the approval criteria for the land use applications identified above. Approval criteria and development regulations in effect at the time an application is received will control. Approval criteria and development regulations are subject to change.

CHAPTER 60 (SPECIAL REGULATIONS):

The following special requirements when checked are applicable to your development. Please review special requirements in the preparation of written and plan information for a formal application:

- | | |
|--|---|
| <input type="checkbox"/> Section 60.05 (Design Review Principles Standards and Guidelines) | <input type="checkbox"/> Section 60.07 (Drive-Up Window Facilities) |
| <input type="checkbox"/> Section 60.10 (Floodplain Regulations) | <input type="checkbox"/> Section 60.15 (Land Division Standards) |
| <input type="checkbox"/> Section 60.20 (Mobile & Manufactured Home Regulations) | <input type="checkbox"/> Section 60.25 (Off-Street Loading) |
| <input checked="" type="checkbox"/> Section 60.30 (Off-Street Parking) | <input type="checkbox"/> Section 60.33 (Park and Recreation Facilities) |
| <input type="checkbox"/> Section 60.35 (Planned Unit Development) | <input type="checkbox"/> Section 60.40 (Sign Regulations) |
| <input type="checkbox"/> Section 60.45 (Solar Access Protection) | <input type="checkbox"/> Section 60.50 (Special Use Regulations) |
| <input type="checkbox"/> Section 60.55 (Transportation Facilities) | <input type="checkbox"/> Section 60.60 (Trees and Vegetation) |
| <input type="checkbox"/> Section 60.65 (Utility Undergrounding) | <input type="checkbox"/> Section 60.67 (Significant Natural Resources) |
| <input type="checkbox"/> Section 60.70 (Wireless Communication) | |

Comments: For the application(s) listed above to be deemed complete, written analysis will need to identify and explain how the proposal meets all applicable provisions/requirements as checked above. See *Key Issues / Considerations* herein for additional notes.

OTHER DEPARTMENT/AGENCY CONTACTS:

Your project may require review by other City departments and outside agencies. Staff recommend contacting the following persons at the City of Beaverton or other agencies when their name is checked. In some instances, some or all of these staff persons may submit written comments for the pre-application conference. These comments may be discussed at the pre-application conference and will be attached to this summary:

<p>Recommended contact for further information if checked</p> <input type="checkbox"/>	<p>Clean Water Services <input type="checkbox"/> (CWS not sent copy of Pre-Application materials) Clean Water Services (CWS) regulates sanitary sewer, storm and surface water management within Washington County in coordination with the City of Beaverton. CWS also conducts environmental review for proposed development projects that are located in proximity to sensitive areas (generally wetlands, riparian areas and stream corridors). Staff recommends that applicants contact <u>CWS staff as early as possible in order to obtain a Service Provider Letter (SPL)</u>. For many development permits, the SPL is required before the application is determined to be complete (BDC 50.25.1.F) which starts the Beaverton land use review processes. CWS environmental regulations are explained in Chapter 3 of the Design and Construction Standards at: www.cleanwaterservices.org/permits-development/design-construction-standards</p> <p>If no sensitive areas exist on or within 200 feet of the project site, CWS can also issue a statement indicating no sensitive areas exist which the city will also accept as documentation under Section 50.25.1.F. To start the environmental review process and obtain an SPL, complete the pre-screening site assessment form. For more information about CWS environmental review, you may email splreview@cleanwaterservices.org or contact Laurie Bunce, CWS Engineering Technician, at (503) 681-3639.</p>
<input type="checkbox"/>	<p>Lawrence Arnbrister, Building, City of Beaverton (503) 720-6340 / larnbrister@beavertonoregon.gov <input type="checkbox"/> Building, No ADA spaces affected, no additional comments expected.</p>
<input type="checkbox"/>	<p>Steve Brennen, Operations, City of Beaverton (503) 526-2200 / sbrennen@beavertonoregon.gov <input type="checkbox"/> No comments received.</p>
<input type="checkbox"/>	<p>Silas Shields, Site Development, City of Beaverton (503) 350-4055 / sshields@beavertonoregon.gov <input checked="" type="checkbox"/> No comments expected.</p>
<input type="checkbox"/>	<p>Fabio de Freitas, Transportation Planning, City of Beaverton (971)-330-2427/ fdefreitas@BeavertonOregon.gov <input checked="" type="checkbox"/> No comments expected.</p>
<input type="checkbox"/>	<p>Jeremy Foster, Tualatin Valley Fire & Rescue (TVF&R was not sent copy of Pre-Application materials) 503-259-1414 / Jerem/Foster@tvfr.com <input type="checkbox"/> No comments received.</p>
<input type="checkbox"/>	<p>Elizabeth Cole, Recycling & Waste Reduction Program Coordinator, City of Beaverton (503) 526-2460 / ecole@beavertonoregon.gov <input checked="" type="checkbox"/> No comments expected.</p>

KEY ISSUES/CONSIDERATIONS:

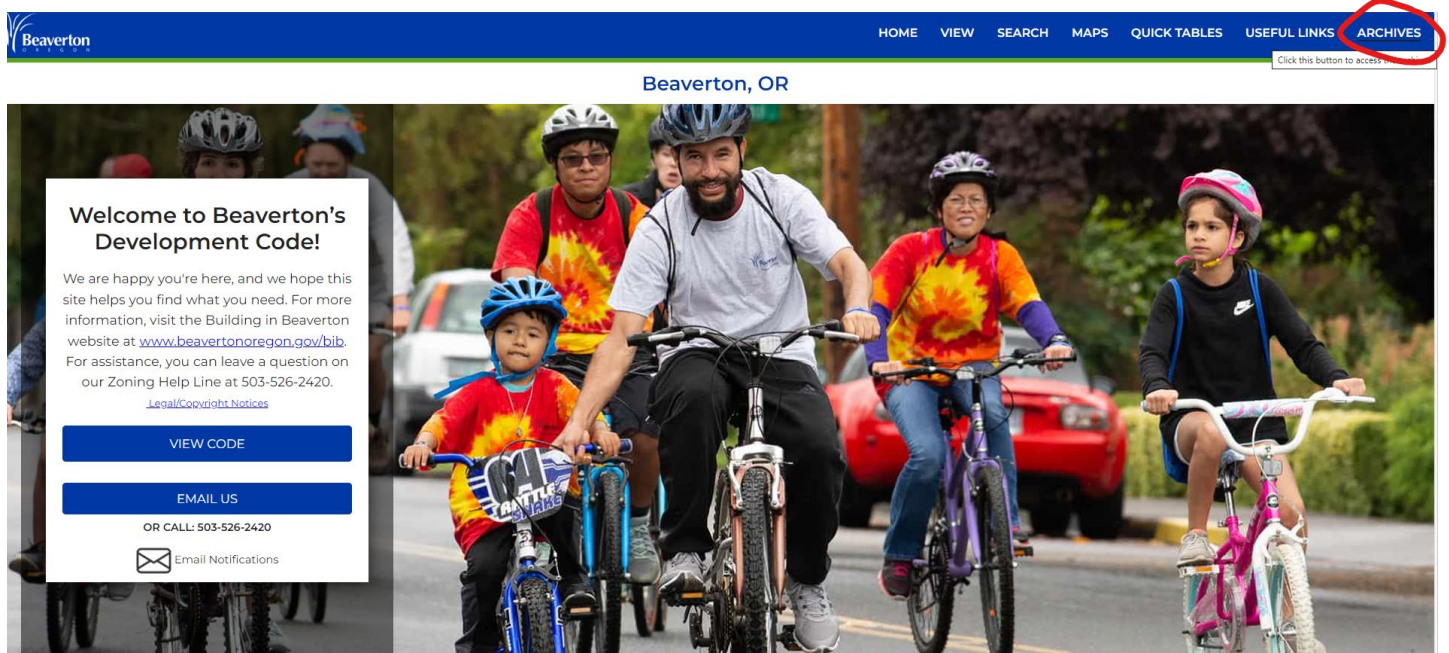
Staff has identified the following key development issues, or design consideration or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of other key issues or considerations:

1. **Land Use Applications.** In review of the plans and materials submitted for consideration, staff has identified the following land use applications. Please note that the City of Beaverton allows and recommends concurrent review of land use applications.
 - a. **Parking Determination:** Staff has identified the Parking Determination application as the proper application to remove the conditions of approval. The application should respond, as applicable to the approval criteria in the Development Code at the time of original PD2022-0006 application approval. Please see the following page for instruction on how to access archived code online. Responses should address how the removal of the shared parking agreement will still comply with current development code standards.
 - b. **Modification of a Decision:** The applicant must provide responses to BDC 50.95 demonstrating why the conditions of approval can be removed. Staff identifies BDC 50.95.7 as the focus for the applicant's narrative, with subsection C as the most compelling argument for the modification.
2. **Waste and Recycling.** No impacts to access to approved trash enclosures expected. No further comments expected.
3. **Service Provider Letters (SPL).** No Service Provider Letters are required with this proposal.
4. **Beaverton Electronic Permitting System (BEPS).** Effective April 3, 2023, all new land use applications must be submitted through BEPS (<https://prod.buildinginbeaverton.org/>), which includes 24/7 access to an online portal with comprehensive project tracking and the ability to pay fees online. For more information, including instructions, visit: <https://www.beavertonoregon.gov/1543/Electronic-Permitting-System>

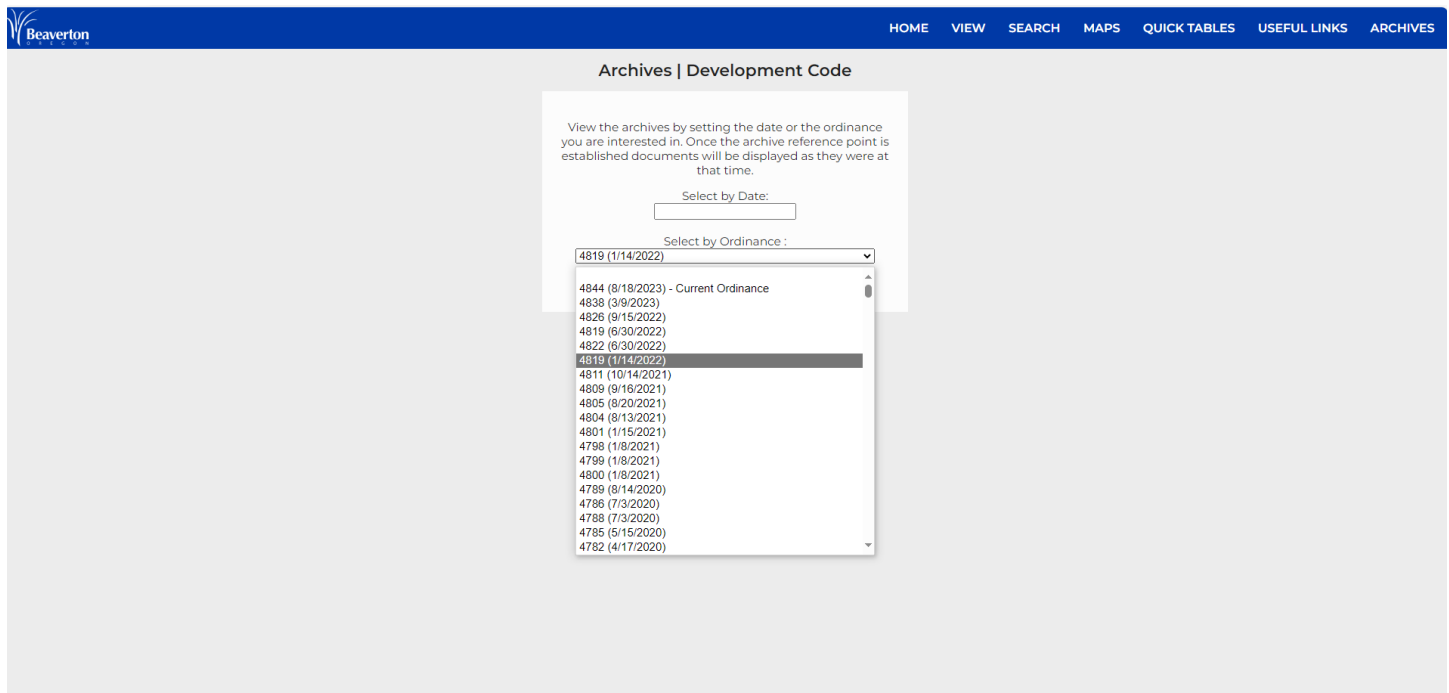
Accessing Archived Code

Navigate your web browser to the following link: <https://online.encodeplus.com/regs/beaverton-or/index.aspx>.

Click the archive tab at the top right of the page.



Open the dropdown menu and select the Ordinance 4819 (1/14/2022). This was the code in effect for the original approval.



Navigate to BDC 40.55.15.2 Shared Parking. The approval criteria are found under subsection C.

The screenshot shows the Beaverton Development Code website. The navigation menu on the left includes 'Development Code', 'Table of Contents', and a list of chapters and sections. The main content area displays the following text:

Development Code of the City of Beaverton > CHAPTER 40 - APPLICATIONS > 40.55. Parking Determination

extended.

2. **Shared Parking.**

A. **Threshold.** An application for Shared Parking shall be required when one or more of the following thresholds apply:

1. The required off-street parking for two or more uses will share required parking spaces.
2. All or a portion of the required parking will be provided at an off-site location. [ORD 4397; August 2006]

B. **Procedure Type.** The Type 2 procedure, as described in Section 50.40. of this Code, shall apply to an application for Shared Parking. The decision making authority is the Director.

C. **Approval Criteria.** In order to approve a Shared Parking application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Shared Parking application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The shared off-street parking is located on any property within 500 feet of the property upon which the use requiring the parking is located, except in Multiple Use zoning districts where the location may be at any distance. [ORD 4706; May 2017]
4. The location of the shared parking and the site containing the use shall be connected by a hard surface pedestrian pathway. [ORD 4706; May 2017]
5. If the location of the shared parking and the site containing the use are separated by a street of collector or higher designation, the two locations shall each be within 300 feet of a controlled pedestrian crossing, such as a traffic light, stop-controlled intersection or marked pedestrian crossing such as a striped intersection or pedestrian-activated signal. [ORD 4706; May 2017]
6. If multiple properties are involved, the owners of the properties have each agreed to the shared parking by entering into a shared parking agreement. [ORD 4584; June 2012]
7. The time of peak parking demand for the various uses located on the subject properties occur at different times of the day.
8. Adequate parking will be available at all times when the various uses are in operation.
9. The proposal is consistent with all applicable provisions of CHAPTER 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of CHAPTER 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
10. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.
11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1.