

CHICK-FIL-A RESTAURANT
BEAVERTON, OREGON

A Type III Application For:
New Conditional Use

November 2017

Applicant:
Chick-fil-A

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City of Beaverton

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Planning Division

Applicant's Representative:



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EXHIBITS

- A. Existing Conditions Plan and Site Plan
- B. Design Review Decision DR2017-0068/SDM2017-0008

I. INTRODUCTION

GENERAL INFORMATION

Applicant/Contact Person:

Chick-fil-A
15635 Alton Parkway, Suite 350
Irvine, California 92618
Contact: Steve Schwartz
Phone: (404) 305-3467
Email: steve.schwartz@cfacorp.com

Prepared By:

DOWL
720 SW Washington Street, Suite 750
Portland, Oregon 97205
Contact: Serah Breakstone
Phone: (971) 280-8661
Email: sbreakstone@dowl.com

Property Owner:

2715 LLC by Lindquist Stuart
PO Box 42135
Portland, Oregon 97242-0135

Project Location:

10655 SW Beaverton Hillsdale Hwy

Parcel Information:

1S114BC01900

Current Zoning District:

Community Service (CS)

Comprehensive Plan Designation:

Corridor

Project Site Area:

+/- 1.54 acres / 67,082 square feet (SF)

II. PROJECT SUMMARY

Existing Conditions

As shown on the Existing Conditions Plan (Sheet C1.0), the site is approximately 1.54 acres and is the current location of the Golden Crown Restaurant and Lounge. The site is located northwest of the intersection of SW Beaverton-Hillsdale Highway and SW 107th Avenue. The site is currently accessible from SW Beaverton-Hillsdale Highway, SW 107th Avenue and SW Laurel Road.

Beaverton Hillsdale Highway is an arterial and is under the maintenance and operational jurisdiction of the Oregon Department of Transportation (ODOT). The segment of Beaverton Hillsdale Highway adjacent to the site does not meet current standards because the widths of the sidewalk and planter strip are less than the standard, there are no street trees, and there is no striped bike lane. SW Laurel Road is a Local Street under City of Beaverton jurisdiction, and SW 107th Avenue is a Neighborhood Route under Washington County jurisdiction. Both streets currently lack sidewalks and street trees.

The site is served by TriMet Route # 54. The closest eastbound stop (ID 360) is located at the southwest corner of the Beaverton-Hillsdale Highway and SW 107th Avenue intersection, and the closest westbound stop (ID 359) is located at the northwest corner of that intersection, approximately 10 feet from the southern boundary of the site.

Surrounding Uses

	Zoning	Use
North	Community Service, CS	Commercial/Retail (Sheer PDX)
	Residential, R-15 (Washington County)	Single-family Residential
East	Office Commercial, OC (Washington County)	Parking Lot
	Community Business district, CBD (Washington County)	Restaurant (Hawaiian Time)
South	Community Service, CS	Commercial/Retail (Village Inn)
		Financial Institution (Unitus Credit Union)
West	Community Business district, CBD (Washington County)	Commercial/Retail (Payless ShoeSource, Great Clips)
		Restaurant (Chang's Mongolian Grill, Subway, Pizzicato)

Project Description

An approximately 4,840 SF fast food restaurant with drive-through service and associated site improvements was proposed and approved for this site through Design Review DR2017-0068 and Sidewalk Design Modification SDM2017-0008 (September 2017). The Design Review approval allowed the restaurant use with operating hours of 7:00 am to 10:00 pm. Due to the proximity to residential areas, any operations outside of those hours require a Conditional Use approval per Section 20.10.20(27). This application requests Conditional Use approval so that the previously approved restaurant may operate outside the hours of 7:00 am to 10:00 pm. No new development or changes to the previously-approved site design are proposed through this application.

The proposed restaurant and drive-through facility will be open to the public from 7:00 am to 10:00 pm, Monday through Saturday. However, certain business operations will occur before and after those hours. Specifically, the applicant is proposing the following activities for the specified extended hours:

From 5:00 – 7:00 am:

- Truck deliveries will occur during this time. The applicant anticipates one semi-truck delivery per day, up to six days per week. Trucks will enter the site from SW 107th Avenue and exit the site via left turns heading westbound on SW Laurel Road
- Employees will begin to arrive during this time to help unload delivery trucks and prepare the restaurant to open. Approximately six employees will be on site during these morning hours. Most employee activity (with the exception of truck unloading) will occur inside the building. Employees will park on site.
- Trash pick-up service (provided by Waste Management) will occur at approximately 6:30 am, five to six days per week.

From 10:00 – 11:30 pm:

- Approximately six employees will remain on-site after the restaurant is closed to the public to clean up and close the restaurant for the night. With the possible exception of an employee taking trash to the trash enclosure, these evening activities will occur inside the building. No late-night truck deliveries will occur.

The restaurant will not be open to the public on Sundays.

Background

As noted previously, the project has received Design Review and Sidewalk Design Modification approvals (DR2017-0068 and SDM2017-0008). No changes are proposed to the approved site design. DR2017-0068 proposed demolition of the existing restaurant and removal of 40 landscape trees to accommodate the proposed fast food restaurant with drive-through facilities. The development will be accessible to vehicles from SW 107th Avenue and SW Laurel Road. Right-of-way dedication and frontage improvements will be provided along the site's frontage with Beaverton-Hillsdale Highway, SW 107th Ave. and SW Laurel Road.

Previously approved site design features include:

- A 4,840 SF fast food restaurant
- A two lane drive-through facility
- 57 vehicle parking spaces, including 3 ADA-compliant spaces
- 4 bike parking spaces (two short-term and two long-term)
- A pedestrian plaza adjacent to the restaurant
- Approximately 12,000 SF of landscaped area

III. CITY OF BEAVERTON DEVELOPMENT CODE

The applicable BDC provisions are set forth below along with findings demonstrating the project's consistency with these provisions. Code language that is not applicable to this proposal is not included.

CHAPTER 20 – LAND USES

20.10. COMMERCIAL LAND USE DISTRICTS

20.10.15. SITE DEVELOPMENT STANDARDS

Site Development Standards support implementing development consistent with the corresponding zoning district. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below.

Development Standards	CS	Response:
A. Minimum Parcel Area – Non-Residential	7,000	The parcel is over 7,000 SF. No change to the parcel size is proposed.
B. Minimum Land Area ¹ - Residential		No residential development is proposed. Therefore, these standards do not apply.
1. Attached	1,000 / unit	
2. Detached	4,000 / unit	
C. Lot Dimensions		Lot width exceeds 70 feet and lot depth exceeds 100 feet. No change to the parcel size is proposed.
1. Minimum Width	70	
2. Minimum Depth	100	
D. Minimum Yard Setbacks		Per Footnote 2, the site is exempt from the minimum front yard setback standard because the site is over 60,000 SF.
1. Front ²	20	
2. Side ³		As shown on the Site Plan (Sheet C2.0), the interior side setback is approximately 12 feet.
a. Interior	10	
b. Corner	20	As shown on the Site Plan (Sheet C2.0), the corner side setback is approximately 55 feet.
3. Rear ⁴	20	As shown on the Site Plan (Sheet C2.0), the rear side setback is approximately 325 feet.
E. Minimum Open Air Display Setbacks ⁵		An open-air display is not proposed. Therefore, this standard does not apply.
1. Front	20	
F. Building Height		As previously approved through Design Review, the building height will not exceed 60 feet.
1. Maximum ⁶	60	

1. For Attached, minimum parent parcel of land area per dwelling unit; For Detached, minimum land area per dwelling unit.
2. Under the conditions outlined in Section 60.05.15.6. of this Code, buildings in commercial zones located on parcels that exceed 60,000 square feet shall be exempt from Section 20.10.15.D.1., minimum front setbacks. Front yard setbacks for parcels in excess of 60,000 gross square feet shall be governed by the Design Review Design Standard specified in Section 60.05.15.6. Any deviation from that standard shall be reviewed through the Design Review Three application process and the corresponding Design Review Design Guideline.
3. Under the thresholds outlined in Section 40.30., application may be made for zero side yard setbacks.
4. Rear yard setback is applicable to only the portion of the rear yard which abuts a residential zone; otherwise the minimum rear yard setback is 0 feet.

5. Where permitted, open air sales / display / storage of merchandise shall be setback at least 20 feet from the front property line. The area shall be designated and subject to Decision Maker approval.
6. Maximum building height of any building within 100 feet of a residentially zoned property is 35 feet.

20.10.20. LAND USES

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Commercial Zoning Districts. All superscript notations refer to applicable Use Restrictions Section 20.10.25.

Category and Specific Use	CS	Response:
Commercial		
5. Eating and Drinking Establishment	P	The proposed restaurant and drive-up window uses are permitted outright in the CS zone.
17. Drive-Up Window Facilities	P	
27. Uses Operating between 10:00 pm and 7:00 am	C ⁷	The proposed use will be open to the public from 7:00 am to 10:00 pm, but business operations will occur between 5:00 am and 7:00 am, and from 10:00 pm to 11:30 pm. Therefore, Conditional Use approval is required.

[7] If property is greater than 500 feet from an existing Residential use in a Residential zone the use is Permitted. If property is within 500 feet from an existing Residential use in a Residential zone the use requires Conditional Use approval.

CHAPTER 40 APPLICATIONS

40.03. FACILITIES REVIEW COMMITTEE

Consistent with Section 10.95.3. (Facilities Review Committee) of this Code, the Facilities Review Committee shall review the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, Public Transportation Facility Reviews, Street Vacations, and applicable Land Divisions. Applicable land division applications are Replats, Partitions, Subdivisions, Fee Ownership Partitions, and Fee Ownership Subdivisions. In making a recommendation on an application to the decision making authority, the Facilities Review Committee shall base its recommendation on a determination of whether the application satisfies all the following technical criteria. The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B., and all the following criteria have been met, as applicable:

Response: Facilities Review was conducted as part of the previous Design Review approval (DR2017-0068 and SDM2017-0008). Any recommendations from the Facilities Review Committee were incorporated into the conditions of approval for that application. See Exhibit B for details. No changes to the previously approved Facilities Review are proposed as part of this Conditional Use request.

40.15. CONDITIONAL USE

40.15.15. Application.

There are four (4) Conditional Use applications which are as follows: Minor Modification of a Conditional Use, Major Modification of a Conditional Use, New Conditional Use, and Planned Unit Development.

3. New Conditional Use.

A. Threshold. An application for a New Conditional Use shall be required when the following threshold applies:

- 1. The proposed use is Conditionally permitted in the underlying zoning district and a prior Conditional Use approval for the proposed use is not already in effect.**

Response: Per the development standards table of BDC Section 20.10.15, Eating and Drinking Establishment and Drive-Up Window Facilities are allowed outright in the CS Zone. However, uses operating after 10:00 pm and before 7:00 am require Conditional Use approval if the property is within 500 feet of an existing residential use in a residential zone. The proposed Chick-fil-A establishment will be open to the public from 7:00 am to 10:00 pm, but business operations will occur outside of those hours. Delivery and preparation work will be done before 7:00 am and employees will be at the establishment after 10:00 pm for cleaning and closing. Residential uses in an R-15 zone (in unincorporated Washington County) are located north of the property, across SW Laurel Road, within 500 feet of the site. Therefore, a new Conditional Use is required.

B. Procedure Type. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for a New Conditional Use. The decision making authority is the Planning Commission.

Response: As explained in the response to Subsection 40.15.15.3.A.1 above, a new Conditional Use is required. This application is for a new Conditional Use and will therefore be processed as a Type 3 procedure.

C. Approval Criteria. In order to approve a New Conditional Use 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 Conditional Use application.**

Response: As explained in the response to Subsection 40.15.15.3.A.1 above, this application meets the threshold requirements for a new Conditional Use.

- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.**

Response: This application submittal includes the required fees.

- 3. The proposal will comply with the applicable policies of the Comprehensive Plan.**

Response: Per City planning staff, Comprehensive Plan policy 8.4.A related to noise impacts is the only policy applicable to this application. Policy 8.4.A is listed below.

"8.4.1. Goal: Create and protect a healthy acoustical environment within the City.

Policies:

- a) Noise impacts shall be considered during development review processes.*

Action 1: Adopt and implement appropriate design standards for development permits for all commercial, industrial, high density, mixed use and transportation projects, and others as appropriate. Development applications should be required to demonstrate compliance with applicable noise level standards. Means of meeting the design standards might include, but are not limited to:

- *Use of year-round landscape elements that absorb parking lot and street noise.*
- *Use of underground parking.*
- *Use of extra-thick windows.*
- *Facades constructed of materials that help to absorb sounds.*
- *Pervious surface landscape and parking lot materials that absorb sounds.*
- *Use of building materials that aid in the reduction of sound traveling through common floors and walls.*
- *Dampers on heating and cooling equipment.”*

The proposed drive-through restaurant will be open to the public from 7:00 am to 10:00 pm. However, this application requests Conditional Use approval to allow the business to conduct operations outside of those hours. Delivery and restaurant preparation work will be done beginning at 5:00 am and employees will be at the establishment until 11:30 pm for cleaning and closing activities. The lot is adjacent to a residential zone, across SW Laurel Road to the north. Adequate consideration has been taken to ensure the extended operating hours do not create negative noise impacts.

From 5:00 am to 7:00 am, the site will receive one truck delivery per day, up to six days per week. The delivery vehicles will be semi-trucks; their backing beepers will be turned off while maneuvering on-site. The vehicles will enter the site from SW 107th Avenue and will exit onto SW Laurel Road heading westbound via a left turn from the driveway. Trash pick-up from Waste Management will occur around 6:30 am, approximately five days per week. The restaurant will not be open during this time, but there will be approximately six employees on the site between 5:00 and 7:00 am to help with deliveries and prepare the restaurant for opening. Employees will park on-site and will be mostly inside during these hours. Activities inside the building will not generate noise that can be heard from the outside. Outside activities during these morning hours will include one or two employees helping to unload delivery trucks. Unloading will occur directly adjacent to the restaurant entrance, which is approximately 300 feet from the nearest residence north of SW Laurel Road. Noise generated from unloading activities is not anticipated to impact those residences to the north. Trash pick-up will also occur outside at the trash enclosure located at the north end of the site. While this activity is closer to the residences north of SW Laurel Road, the trash pick-up schedule will be consistent with the existing trash pick-up schedule for that area and, as such, will not result in a significant increase in noise associated with trash service vehicles.

After the restaurant closes at 10:00 pm, approximately six employees will remain on site until 11:30 pm for cleaning and closing activities. Employees will be indoors during this time. Activities inside the building will not generate noise that can be heard from the outside. No late night deliveries will occur.

4. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

Response:

Conditional Use approval is requested to extend the hours of operation of the proposed drive-through restaurant. Drive-through restaurants are allowed outright in the CS zone and the proposed development (proposed and approved through DR2017-0068/SDM2017-0008) has met all development standards required for this proposal. As shown on the Site Plan Sheet C2.0, the site has adequate space to accommodate the proposed restaurant, drive-through facility, parking, landscaping and other project features. The site is relatively flat and does not contain any natural resources or man-made features that preclude development.

5. **The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site.**

Response: The subject of this Conditional Use request is the extended hours of operation of the previously-approved restaurant and drive-through facility.

The subject site is zoned CS and is located along the boundary of the City of Beaverton. The site fronts SW Beaverton-Hillsdale Highway, which is a busy commercial corridor. Adjacent properties to the northwest and south, as well as other nearby City of Beaverton properties, are also zoned CS and currently developed with commercial uses. To the east and west of the site are Washington County properties zoned CBD and developed with commercial uses. The surrounding businesses to the east, west, and south include restaurants and other stand alone, strip-mall, or big box commercial retail uses. Surrounding commercial uses have operating hours that are typical for commercial retail uses. The proposed extended operating hours for the drive-through restaurant will be compatible with the existing commercial character of the SW Beaverton-Hillsdale Highway corridor.

Single family residential uses are currently located north of the site, across SW Laurel Road. A low screen buffer is proposed along the north property line, outside the sidewalk and driveway. This landscaping will help create a buffer between the proposed use and the residential areas to the north. In addition, there is an existing building and landscaping at the southeast corner of SW 107th Avenue and SW Laurel Road that will provide a partial barrier between the homes and the restaurant.

As noted previously, activities occurring on the site during the proposed extended hours will be minimal (one truck delivery per day and six employees on site) and will mostly take place inside the restaurant. Potential impacts from the proposed extended hours will be minimal.

6. **Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.**

Response: All required application submittal items for a Conditional Use approval have been included with this application. Any other required documents will be submitted in the proper sequence.

- D. **Submission Requirements. An application for a Conditional Use shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Conditional Use application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.**

Response: A Conditional Use application form, signed by the property owner, has been included with this submittal package. All other required information has been included in this application package.

V. CONCLUSION

As evidenced throughout this narrative and associated documents, the applicant's Type 3 New Conditional Use request for extended hours is consistent with the applicable local policies and regulations governing

the allowance of the requested action. Therefore, the applicant respectfully requests City approval of this application.