

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

After recording return to:
City of Beaverton, City Recorder:
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL REQUEST FOR)
APPROVAL OF A NEW CONDITIONAL USE APPLICATION) ORDER NO. 2581
(CHICK-FIL-A EXTENDED HOURS OF OPERATION). CHICK-FIL-) CU2017-0013 CONDITIONAL USE
A, APPLICANT)
)

The matter came before the Planning Commission on February 7, 2018, on a request for approval of a Conditional Use for Extended Hours of Operation for Chick-Fil-A, in order to accommodate one (1) semi-truck delivery from 5:00 am to 7:00 am; allow employees on premise in order to assist with unloading of delivery goods; prepare the restaurant for opening, and lastly to allow employees to stay on premise from 10:00 pm to 11:30 pm, Monday through Saturday in order to clean up and close down for the night. The subject property is within the Community Service (CS) zoning district. Any Uses located within 500 feet of residentially zoned property wishing to operate outside of the standard hours of 7:00 a.m. to 10:00 p.m. require a Conditional Use permit approval by the Planning Commission. The subject site is located at 10655 SW Beaverton-Hillsdale Hwy, and is more specifically identified as Tax Lot 16800 on Washington County Tax Assessor's Map 1S114BC.

Pursuant to Ordinance 2050 (Development Code), Section 50.45 the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

After receiving public testimony, the Planning Commission added several conditions of approval to reduce potential noise and traffic impacts resulting from the extended hours of operation request.

Conclusion. The Planning Commission found that the proposal met all of the approval criteria and agreed with the conditions of approval within the staff report, as amended, and that the request was reasonably compatible with the surrounding neighborhood.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated January 31, 2018, as amended, and the findings contained therein, as applicable to the approval criteria contained in Section 40.15.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED THAT CU2017-0013 is APPROVED** based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report, dated January 31, 2018, as amended, subject to the conditions of approval, and this Land Use Order as follows:

1. The Conditional Use permit shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit. (SF/Planning)
2. Final decision shall expire automatically two (2) years from the effective date of decision unless the approval is enacted either through construction or establishment of use within the two (2) year time period. (Planning/SF)

The Applicant or property owner shall continually comply with the following conditions:

3. Hours of operation for employees of the restaurant, located at 10655 SW Beaverton-Hillsdale Highway shall be from 5:00 am to 7:00 am for set-up preparation and delivery assistance; and, from 10:00 pm to 11:30 pm for clean-up and close down of the restaurant, Monday through Saturday. (SF/Planning)
4. Hours of operation for service truck deliveries shall be from 5:00 am to 7:00 am, Monday through Saturday. (SF/Planning)
5. Truck delivery vehicles shall enter the site from SW 107th Avenue and exit via left turns heading westbound on SW Laurel Street. Truck delivery vehicles shall be prohibited from turning right (eastbound) onto SW Laurel Street upon exiting the site, and prohibited from entering the site from SW Laurel Street. (SF/Planning)
6. The applicant shall post signage prohibiting eastbound truck turns onto SW Laurel Street. Said signage shall say "TRUCKS MUST TURN LEFT" for exiting traffic at the driveway on SW Laurel Street, as approved by the City Traffic Engineer. (Planning/SF - Transportation/KR/JK)
7. Hours of operation for trash removal from the site shall be limited to between the hours of 6:30 am and 8:00 pm Monday through Saturday only. (Planning/SF)
8. Employees shall be required to park on-site at all times. (Planning/SF)
9. The operator shall turn off delivery vehicles during unloading during the extended hours of operation. (Planning/SF)
10. The operator shall ensure delivery vehicles do not exceed 50 Dba for more than 30 minutes while on-site, entering the site, or exiting the site. (Planning/SF)
11. The operator shall be required to turn off back-up beepers of delivery vehicles, unless prohibited by law.
12. No trash compactor will be allowed outside during the extended hours of operation. (Planning/SF)
13. Parking lot cleaning shall take place during the extended hours of 6:30 am to 10:00 pm, Monday through Saturday only. (Planning/SF)
14. No mechanical parking lot sweeper allowed during the extended hours of operation.

Motion **CARRIED**, by the following vote:

AYES: Overhage, Nye, Matar, Winter.
NAYS: Lawler.
ABSTAIN: None.
ABSENT: North, Uba.

Dated this 21 day of February, 2017.

To appeal the decision of the Planning Commission, as articulated in Land Use Order Nos. 2581 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton's Community Development Department's office by no later than 4:00 p.m. on March 5, 2017.


PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:




Anna Slatinsky
Planning Division Manager

APPROVED:



KIM OVERHAGE
Chair



SANDRA FREUND, AICP
Planning Supervisor/Development Process Coord.