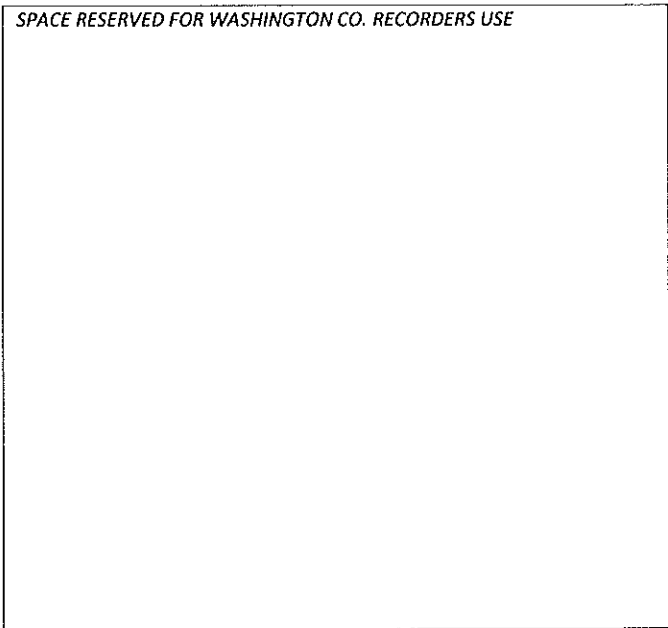


**BEFORE THE PLANNING COMMISSION FOR  
THE CITY OF BEAVERTON, OREGON**

**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. 2612
(CHICK-FIL-A EXTENDD HOURS OF OPERATION). CHICK-FIL-A, )	CU2018-0003 ORDER APPROVING CHICK-FIL-A RESTAURANT
APPLICANT )	WITH DRIVE-THROUGH FACILITIES, NEW CONDITIONAL USE
)	

The matter came before the Planning Commission on May 30, 2018 and June 27, 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 2970 SW Cedar Hills Boulevard, and is more specifically identified as Tax Lots 2400 and 1700 on Washington County Tax Assessor's Map 1S109AD.

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 revised and added several conditions of approval to reduce potential noise impacts to the adjacent residentially zoned properties to the south and east resulting from the drive-through facilities, and extended hours of operation request. Particular discussion ensued about the mitigation recommendations found in the noise study submitted by the applicant, prepared by Listen Acoustics on June 25, 2018, specifically required sound barrier along the southern portion of the property, its location, and type of materials to be used.

The sound barrier wall shall meet the mitigation requirements detailed in the noise study prepared by Listen Acoustics, and shall include any of the following: Concrete masonry (CMU) blocks not less than 4-inches thick; Tilt up or poured in place concrete wall not less than 4-inches thick, or a pre-fabricated panelized barrier system such as Kinetics NoiseBlock wall system. The Planning Commission also required the applicant to install a gate comprised of materials meeting the STC-21 metric to be located within 20 feet of the eastern property line in addition to providing a plan showing a vinyl coated chain link fence between the sound barrier wall and adjacent properties aligned with the southeast corner of the building. Staff finds that the additional conditions of approval and the amended conditions of approval support compliance with all approval criteria found in Section 40.15.15.3.C of the Development, specifically Goal 8.4.1 of the Comprehensive Plan, to *Create and protect a healthy acoustical environment within the City.*

*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, the supplemental memoranda dated June 20, June 22, and June 25, 2018, and the revised conditions of approval discussed above 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 May 30, 2018, as amended, the supplemental memoranda dated June 20, June 22, and June 25, 2018 and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03 and 40.15.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED THAT CU2018-0003 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 May 30, 2018, as amended, Supplemental Memoranda dated June 20, June 22, and June 25, 2018, subject to the conditions of approval, and this Land Use Order as follows:

**A. General Conditions of Approval:**

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)
3. Prior to Site Development permit issuance, ensure that the associated Design Review Two (DR2017-0138) application has been approved and is consistent with the submitted plans. (Planning/SF)
4. The sound barrier must be maintained to meet the sound mitigation standards in the July 25, 2018 acoustical analysis prepared by Listen Acoustics. (Planning/SF)

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

5. Hours of operation for employees of the restaurant, located at 2970 SW Cedar Hills Boulevard, shall be from 5:00 am to 7:00 am for set-up preparation and deliveries assistance; and, from 10:00 pm to 11:30 pm for cleanup and close down of the restaurant, Monday through Saturday. (Planning/SF)
6. Hours of operation for the public are not to exceed 7:00 am to 10:00 pm without additional Conditional Use approval. (Planning/SF)
7. Due to the counter flow of truck egress movement as shown on Figure 2 of the applicant's submittal materials for the WB-67 truck-turning diagram, deliveries which require the uses of a vehicle with four (4) or more axles shall be limited to the hours of 5:00 am to 7:00 am. Alternatively, deliveries may occur after 7:00 am, but prohibited between the hours of 10:30 am to 2:00 pm, and 4:30 to 6:30 pm if the operator, through the use of cones or other barriers, prohibits customer parking in the central nine (9) parking spaces on site during the duration of the delivery. (Transportation/KR / Planning/SF)
8. 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)
9. The site operator shall ensure operator controlled delivery vehicles are turned off while unloading. (Planning/SF)
10. The applicant shall be required to turn off back-up beepers of operator controlled delivery vehicles, unless prohibited by law. (Planning./SF)
11. No external trash compactor allowed outside during the extended hours of operation. (Planning/SF)
12. Parking lot cleaning shall take place during the hours of 6:30 am to 10:00 pm, Monday through Saturday only. (Planning/SF)
13. No mechanical parking low sweeper(s) or blower(s) allowed during the extended hours of operation. (Planning/SF)
14. Ensure that delivery truck operators, and parking lot cleaning operators comply with the noise standards of Beaverton City Code, 5.15.025, during all deliveries before 7:00 am, Monday through Saturday. (Planning/SF)
15. Ensure all sound systems associated with the restaurant drive-through speakers do not exceed a measurement of 50 decibels (dBA) at the adjoining property line(s) for more than 30 minutes. (BC 5.15.025) Planning (SF).
16. Provide a plan showing construction of a sound barrier wall that meets the following mitigation requirements detailed in the noise study prepared by Listen Acoustics, dated June 25, 2018. And provide a report prepared and stamped by acoustical engineer registered in the state of Oregon that the proposed sound

barrier meets the mitigation requirements in the Listen Acoustics June 25, 2018 sound report:

- a. Constructed of noise attenuating materials that meet the minimum metric of Sound Transmission Class (STC) 21.
  - b. Be a minimum of seven (7) feet in height.
  - c. Be continuously sealed (no gaps) tightly to the ground and to the corner of the building, from the top to bottom, and shall include horizontal extents to prevent sound from flanking around the ends of the barrier.
  - d. Shall be comprised of any of the materials listed in the recommended materials, except options 2 and 3. (Planning / SF)
17. If a gate is proposed within the sound wall, provide a stamped letter by an acoustical engineer licensed in the state of Oregon that shows that the gate complies with the recommended mitigation in the noise study prepared by Listen Acoustics. The gate shall be within 20 feet of the eastern property line. (Planning/SF)
18. Provide a plan showing a vinyl coated chain link fence with a gate between the sound barrier wall and adjacent properties aligned with the southeast corner of the building. (Planning/SF)

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

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

Dated this 12<sup>th</sup> day of July, 2018.

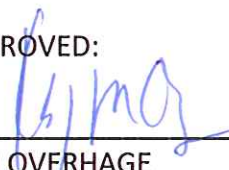
To appeal the decision of the Planning Commission, as articulated in Land Use Order Nos. 2612 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton's Community Development Department's office by no later than 4:30 p.m. on July 23, 2018.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
\_\_\_\_\_  
JANA FOX  
Current Planning Manager

APPROVED:

  
\_\_\_\_\_  
KIM OVERHAGE  
Chair

  
\_\_\_\_\_  
SANDRA FREUND, AICP  
Senior Planner/Development Process Coord.