

**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)	ORDER NO. 2683
OF A NEW CONDITIONAL USE APPLICATION)	CU2018-0015 ORDER APPROVING CASTAWAY
FOR 24 HOURS OPERATION OF A NEW)	EXTENDED HOURS OF OPERATION, NEW
ASSEMBLY SPACE AND MINOR ANIMAL CARE)	CONDITIONAL USE
FACILITY SPACE. (CASTAWAY EXTENDED)	
HOURS OF OPERATION). ME THREE LLC,)	
APPLICANT)	

The matter came before the Planning Commission (Commission) on February 13, 2019, on a request for approval of a Conditional Use for Extended Hours of Operation for a building with two tenant spaces owned and operated by the applicant. Castaway assembly space, Tenant 1, requests 24 hour operation in order to be open by reservation, to the public, from 7am to 1am seven days a week, allow for loading and unloading from 1am-3am and 4am-7am, and janitorial service interior to the building from 3am-4am. Sniff Dog Hotel, Tenant 2, a minor animal care facility, requests 24 hour operation to allow two employees to remain in the space overnight to care for animals and perform janitorial and office duties interior to the building. Tenant 2 will be open to the public from 7am to 10pm. The subject property is within the Community Service (CS) zoning district, less than 500 feet from residentially zoned property. 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. The subject site is located at

15900 SW Regatta Lane and is more specifically identified as Tax Lot 1500 on Washington County Tax Assessor's Map 1S105BA.

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

The Commission raised concern with potential noise impacts from the assembly facility after 10 pm. Questions were raised regarding the soundproofing quality of the roll-up doors on the western elevation in which the applicant explained the roll-up doors were of commercial quality, with double pane glass and insulation, which will effectively dampen the expected level of sound. The flexible loading plan was discussed, and the Commission agreed with the Conditions of Approval regarding a prohibition of idling and a requirement the headlights be turned off once the vehicles are in place. The applicants were further questioned on the type of equipment being loaded, they explained it will primarily be catering, sound, and audio visual equipment. The space will be equipped with a stage, tables, and chairs that will remain in the building. Finally, commissioners confirmed with staff that the Conditional Use permit is subject to revocation by the City Council should the Conditions of Approval be willfully and consistently violated, as explained in Section 10.65.B.9 of the Development Code. The Commission determined the issue of noise impacts were adequately addressed.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated February 6, 2019, as

amended, 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 CU2018-0015** 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 February 6, 2019, as amended, subject to the Conditions of Approval 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, unless otherwise specified in conditions attached to the permit. (Planning/BA)
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/BA)
3. The minor animal care business shall be closed to the public from 10pm to 7am. Up to two overnight employees are allowed to occupy the space during the hours of 10pm to 7am to tend to animals and perform janitorial and security duties within the building only. (Planning/BA)
4. The service business shall close to the public no later than 1am. (Planning/BA)
5. Equipment loading and unloading shall occur between 4am and 3am (23 hours a day). (Planning/BA)
6. All vehicles shall be shut off once in place for loading and unloading-vehicle idling of any kind is not allowed between 10pm and 7am. Headlights shall be shut off once the vehicle is in place for load in and load out. (Planning/BA)
7. From 3am to 4am, only activities wholly enclosed to the building shall be allowed. (Planning/BA)
8. No sound amplification of any kind shall occur from 1am to 7am, outdoor sound amplification shall not occur between the hours of 10pm and 7am. (Planning/BA)

9. All doors and windows shall be kept closed from 10pm to 7am, except to allow for normal entering and exiting of the building. (Planning/BA)
10. No outdoor areas shall be utilized between the hours of 10pm and 7am except for the proposed loading and unloading uses.
11. All equipment loading and unloading will take place immediately adjacent to the service business. (Planning/BA)
12. Employees will only park on site. (Planning/BA)

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

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

Dated this 4th day of March, 2019.

To appeal the decision of the Planning Commission, as articulated in Land Use Order Nos. 2683 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 March 14 2019.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



Jana Fox
Current Planning Manager

APPROVED:



Jennifer Nye
Chair



Brianna Addotta
Assistant Planner

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