

**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 DESIGN REVIEW TWO APPLICATION (CHICK-)	ORDER NO. 2613
FIL-A RESTAURANT WITH DRIVE-THROUGH FACILITIES).)	DR2017-0138 ORDER APPROVING CHICK-FIL-A RESTAURANT
CHICK-FIL-A, APPLICANT)	WITH DRIVE-THROUGH FACILITIES, DESIGN REVIEW TWO
)	

The matter came before the Planning Commission on May 30, 2018 and June 27, 2018, on a request for approval of a Design Review Two application for the construction of a new 4,815 square foot restaurant with drive-through facilities with associated site improvements. The subject property is within the Community Service (CS) zoning district. 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 related to screening requirements adjacent to SW Cedar Hills Boulevard; traffic signage for internal circulation related to pedestrian safety, fencing along the south and eastern property boundaries and related materials thereto.

Specifically, the Planning Commission added additional conditions of approval and amended existing conditions of approval related to internal pedestrian circulation safety, design elements of the building along SW Cedar Hills Boulevard, potential noise impacts from the drive-through facility, and type of fencing materials to be used along the southern and eastern portions of the subject property. The type of fencing materials to be used are a direct result of the prepared noise study, by Listen Acoustics, dated June 25, 2018. 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. Additional conditions of approval were also added related to design features of the building along SW Cedar Hills Boulevard. Specifically, the applicant shall provide a plan showing the planting of a variety of plant materials of varying heights to soften the appearance of the brick wall adjacent to SW Cedar Hills Boulevard, as well as providing an open guardrail along the staircase and lower landing near the southwest corner of the building. Lastly, the Planning Commission requested a condition of approval addressing the safety concerns of pedestrians crossing the drive-through aisle adjacent to the ADA parking spaces, specifically the applicant shall provide traffic control devices

to limit traffic to a one-way direction adjacent to the ADA parking spaces and warning of pedestrian crossing of the drive-through lane.

Staff finds that with the additional conditions of approval and the amended conditions of approval related to noise attenuation, pedestrian circulation and safety; and additional design materials, support compliance with the location, size, and functional characteristics of the proposal, and that the use can be made reasonably compatible with and have a minimal impact on livability to the surrounding area, per the approval criteria contained in Section 40.20.15.2.C of the Development Code.

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, supplemental memoranda dated June 20, June 22, and June 25, 2018 the additional conditions added and amended at the public hearing that the proposal met the applicable approval criteria.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated May 30, 2018, as amended, 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 40.20.15.2.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED THAT DR2017-0138 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. Final decision shall expire automatically two (2) years from the effective date of decision unless substantial completion has occurred or an extension has been applied for and is subsequently granted. (Planning/SF)
2. The applicant shall ensure that the associated Tree Plan Two (TP2017-0016) application has been approved and is consistent with the submitted plans. (Planning/SF)
3. The applicant shall provide a site plan which demonstrates all internal pedestrian walkways have a minimum of five (5) foot wide unobstructed clearance and will be paved with scored concrete or modular paving materials, per Section 60.05.20.3.F *Circulation and Parking Design Standards* of the Beaverton Development Code. (Planning/SF)
4. The applicant shall provide a plan that demonstrates that all proposed pedestrian pathways will provide for adequate lighting, be designed to meet all applicable Design Standards, as outlined in Section 60.05.30 *Lighting Design Standards* of the Beaverton Development Code. (Planning/SF)

B. Prior to Issuance of the Site Development permit, the applicant shall:

5. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
6. Contract with a professional engineer to design and monitor the construction for work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (April 2017, Resolution and Ordinance 2017-05), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
7. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)

8. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management facilities and emergency vehicle access paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
9. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
10. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
11. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
12. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City if the proposed disturbed area is greater than one acre. The applicant shall use the plan format per requirements for sites between 1 and 4.99 acres, adopted by DEQ and Clean Water Services. (Site Development Div./JJD)
13. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any overflow from storm conveyance piping. The site plans shall clearly show the 100-year flood limits on each plan sheet that contains elevation information. (Site Development Div./JJD)
14. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)
15. Provide final construction plans and a final drainage report demonstrating compliance with CWS Resolution and Order 2017-05 in regard to quality treatment as generally outlined in the preliminary analysis, dated October, 2017 (Bayfilter). (Site Development Div./JJD)

16. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement for the private storm water treatment facilities, with maintenance plan and all standard exhibits, including site legal description, ready for recording with Washington County Records. (Site Development Div./JJD)
17. Submit to the City a certified impervious surface determination of the entire site prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for that phase. In addition, changes in specific types of impervious area totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site or individual tax lots if applicable. (Site Development Div./JJD)
18. Pay storm water system development charges (storm water quantity and overall system conveyance) for all net, new impervious surface area created for the entire project. For the right of way area along the Cedar Hills Boulevard frontage, an additional fee-in-lieu of constructed facility shall be assessed and paid (\$1 per square of existing tributary area and new impervious creation to the catch basin that would otherwise need to be replaced by a Contech Storm-filter catch basin). (Site Development Div./JJD)
19. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. No utility service lines to the structures shall remain overhead on site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
20. COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW: The minimum fire flow and flow duration shall be determined in accordance with OFC Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi residual. (OFC B105.3) (TVF&R/JF)

Note: OFC B106, Limiting Fire-Flow is also enforced, except for the following:

- The maximum needed fire flow shall be 3,000 GPM, measured at 20-psi residual pressure.
- Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1

21. FIRE FLOW WATER AVAILABILITY: Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B) *Provide fire flow calculations by site development review. (TVF&R/JF)*
22. PAINTED CURBS: Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3) *Painted curbing or striping will be required to delineate all fire lanes. Fire lanes are required at the entrance drive approximately 80 feet in depth (to the edge of the drive-thru). (TVF&R/JF)*
23. SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3) *Fire lanes must meet these loading requirements. See item # 3 above. (TVF&R/JF)*
24. FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS: FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13) *Current plans show the FDC and hydrant on opposite sides of the access driveway (fire lane). Revise drawings by site development review. (TVF&R/JF)*
25. KNOX BOX: A Knox Box for building access may be required for structures and gates. See Appendix B for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1) *A Knox Box is required for this building. (TVF&R/JF)*
26. FIRE PROTECTION EQUIPMENT IDENTIFICATION: Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1) (TVF&R/JF)

27. Provide evidence that new driveway intersections meet City requirements for intersection sight distance. No obstructions shall be placed within the driveway intersection sight vision triangle except as provided by City Ordinance, including but not limited to parking. New driveway intersections shall meet sight distance criteria in the City of Beaverton's Engineering Design Manual for the design speed of the roadway. (Transportation/KR)
28. Provide detailed plans that show bicycle parking to accommodate 2 long-term and 2 short-term bike parking spaces. The short-term spaces are to be provided by an inverted staple, or U-shaped rack that is centered within a 6-foot by 4-foot area of concrete or similar all-weather surface, and should be as close as possible to the main entrance. Long-term parking spaces are required to be lighted and covered. Bicycle parking spaces should not be located closer than 2 feet to a building wall. (Transportation/KR)
29. Submit plans that show dedication of right-of-way along the property's SW Cedar Hills Boulevard frontage, consistent with the approved plans, meeting the City's 5-lane Arterial Street standards, and construction of interim half-street improvements, including sidewalk, as approved by the Planning Commission and the City Traffic Engineer. (Transportation/KR/JK)
30. Submit plans that show the installation of a median traffic separator as approved by the City Traffic Engineer. (Transportation/KR)
31. Submit photometric plans that show that all pedestrian pathways are lighted to at least 0.5 foot-candles. (Transportation/KR)
32. Submit plans that show that the driveway entrance onto SW Cedar Hills Blvd. will be lighted to meet the City's lighting standards. (Transportation/KR)
33. Design the nine (9) parking spaces located at the southeastern and eastern portions of the parking area to be a minimum of 18.5 feet deep, or provide for bumper overhangs of at least one (1) foot in order to meet the depth requirements of Section 60.30.15 of the Beaverton Development Code. (Planning/SF)
34. Provide a plan showing no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets abutting properties at the property line. (Planning/SF)
35. Provide a plan showing traffic control devices limiting traffic to one way adjacent to the ADA parking spaces and warning of the pedestrian crossing of the drive-thru lane. Signage shall be approved by the City Traffic Engineer. (Planning/SF / Transportation /JK)
36. Provide a plan showing a solid cedar fence along the entirety of the eastern property line, a minimum of six (6) feet in height. (Planning/SF)

37. Provide a plan showing the planting of a variety of plant materials of varying heights to soften the edge of the brick wall adjacent to SW Cedar Hills Boulevard. (Planning/SF)

C. Prior to Building Permit Issuance, the applicant shall:

38. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
39. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
40. Provide a revised plan showing an open guardrail along the staircase and lower landing near the southwest corner of the building. (Planning/SF)

D. Prior to Occupancy of any Building Permit, the applicant shall:

41. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
42. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD)
43. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
44. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)
45. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
46. Have obtained a Source Control Permit (AKA Industrial Sewage Permit) from the Clean Water Services District and submitted a copy to the City Building Official if such a permit is required, as determined by CWS. (Site Development Div./JJD)
47. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in the Conditions of Approval (On file at City Hall). (Planning/SF)
48. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit B", except as modified by the decision making authority in the Conditions of Approval (On file at City Hall). (Planning/SF)

49. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit C", except as modified by the decision making authority in the Conditions of Approval (On file at City Hall). (Planning/SF)
50. Ensure all landscaping approved by the decision making authority is installed. (Planning/SF)
51. Ensure that the planting of all approved trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Trees shall have a minimum caliper of 1-1/2 inches and be adequately staked. (Planning/SF)
52. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning/SF)
53. Comply with the B3-High screen buffer requirements as outlined within Section 60.05.25.13.D of the Beaverton Development Code along all property lines adjacent to residentially zoned property. The buffer adjacent to the City R2 zoned properties shall be a minimum of 10 feet in width, and a minimum of 20 feet adjacent to the Washington County R5 zoned property. (Planning/SF)
54. Provide an inspection report, stamped by an acoustical engineer licensed in the state of Oregon, verifying that the sound barrier is installed in accordance with the required conditions of approval

E. Prior to Release of Performance Security, the applicant shall:

55. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
56. Submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
57. Provide evidence of a post-construction cleaning, system maintenance, and filter recharge/replacement per manufacturer's recommendations for the site's proprietary storm water treatment systems by Bayfilter qualified maintenance provider as determined by the City Engineer. Additionally, another servicing report from the maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD)

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

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

Dated this 12th day of July, 2018.

To appeal the decision of the Planning Commission, as articulated in Land Use Order Nos. 2613 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.

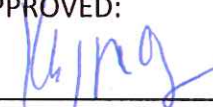
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



JANA FOX
Current Planning Manager

APPROVED:



KIM OVERHAGE
Chair



SANDRA FREUND, AICP
Senior Planner/Development Process Coord.