



## STAFF REPORT

HEARING DATE: February 28, 2018

STAFF REPORT DATE: February 21, 2018

TO: Planning Commission

STAFF: Matt Straite, Contract Planner

PROPOSAL: **Bank of America ATM Extended Hours of Operation  
(Case File CU2017-0015)**

LOCATION: 8605 Beaverton-Hillside Highway, Tax Lot 400 on Washington  
County Tax Assessor's Tax Map 1S1-14AD

SUMMARY: The applicant, Gensler Architecture, requests Conditional Use approval for extended hours of operation associated with three (3) automated teller machines (ATM) use. In the Community Service (CS) commercial zone, uses operating between the hours of 10:00 p.m. and 7:00 a.m., are subject to Conditional Use approval when located within 500 feet of an existing residential use. The applicant proposes to operate the three (3) ATM's 24 hours a day for seven days a week. The Bank of America site plan received land use approval from the City of Beaverton on October 13, 2017, case files DR2017-0085 and SDM2017-0012.

PROPERTY OWNER: Lindquist Development Company  
Attn: Stuart Lindquist  
PO Box 42135  
Portland, OR 97242

APPLICANT: Gensler  
Attn: Jeffrey Schmierer  
2101 Webster Street  
Oakland, CA 94612

DECISION CRITERIA: Development Code Sections 40.03 *Facilities Review*,  
40.15.15.3.C *Conditional Use* and Comprehensive Plan Policy  
8.4.1.a.

RECOMMENDATION: **Approval of CU2017-015 (Bank of America ATM Extended  
Hours of Operation)**, subject to conditions identified at the  
end of this report.

## BACKGROUND FACTS

The Bank of America in Raleigh Hills was recently approved as DR2017-0085 and SDM2017-0012 and is currently under construction. The applicant is now proposing to extend the operating hours at three (3) ATM's on the building (one walk up and two drive through) for 24-hour use. This requested extension will apply to the hours of 10pm through 7am specifically. Such a request requires a Conditional Use because the building is within 500 feet of a residential zone, in this case, a Washington County R-5 zone located to the north of the site. No changes to the approved Bank Design Review are proposed through this application, only the extension of operating hours.

### Key Application Dates

Application	Submittal Date	Submittal Complete	Final Written Decision Date	365-Day*
CU2017-015	December 14, 2017	January 8, 2018	May 8, 2018	January 8, 2019

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	Community Service (CS)	
<b>Current Development</b>	No development is proposed with this application. The site is currently vacant and under construction for the bank structure, parking and facilities.	
<b>Site Size</b>	Approximately 38,992 square feet (0.90 Acres)	
<b>NAC</b>	Denney Whitford/Raleigh West NAC	
<b>Surrounding Uses</b>	<b>Zoning:</b> <u>North:</u> Community Service (CS), and Washington County R-5  <u>South:</u> Community Service (CS)  <u>East:</u> Washington County CBD  <u>West:</u> Washington County CBD	<b>Uses:</b> <u>North:</u> Vacant commercial property and detached single family residential  <u>South:</u> Retail  <u>East:</u> Retail  <u>West:</u> Retail

<b>DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>Attachment A: Facilities Review Committee Technical Review and Code Conformance Analysis</b>	FR1-FR5
<b>Attachment B: Analysis and Findings for Bank of America Extended Hours of Operation</b>	CU1-CU3
<b>Attachment C: Recommended Conditions of Approval</b>	COA1
<b>Attachment D: Letter submitted by Karen Bernards 1.29.18</b>	LETTER 1

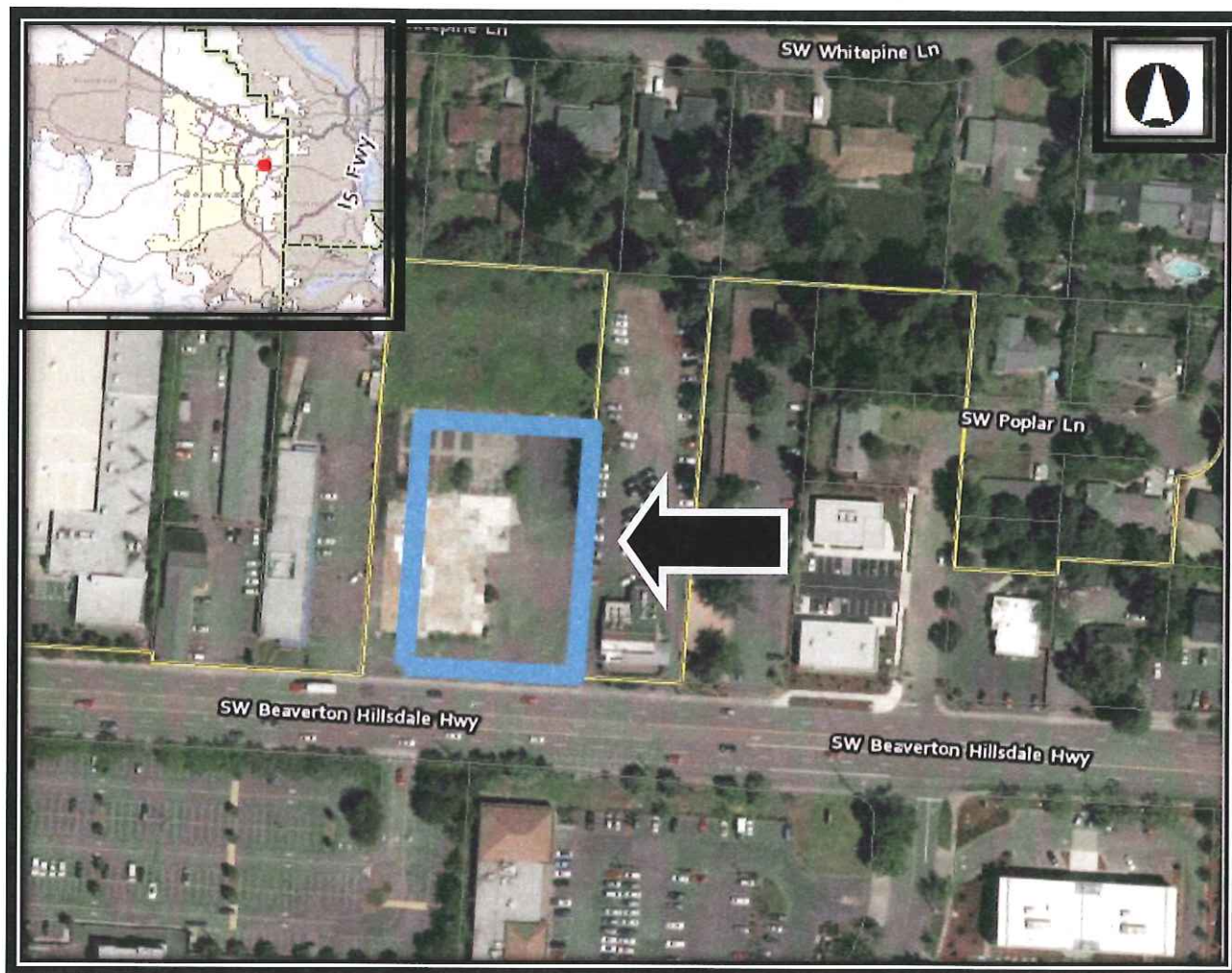
### **EXHIBITS**

**Exhibit 1. Zoning Map** (page SR-4) and **Aerial Photo** (page SR-5)

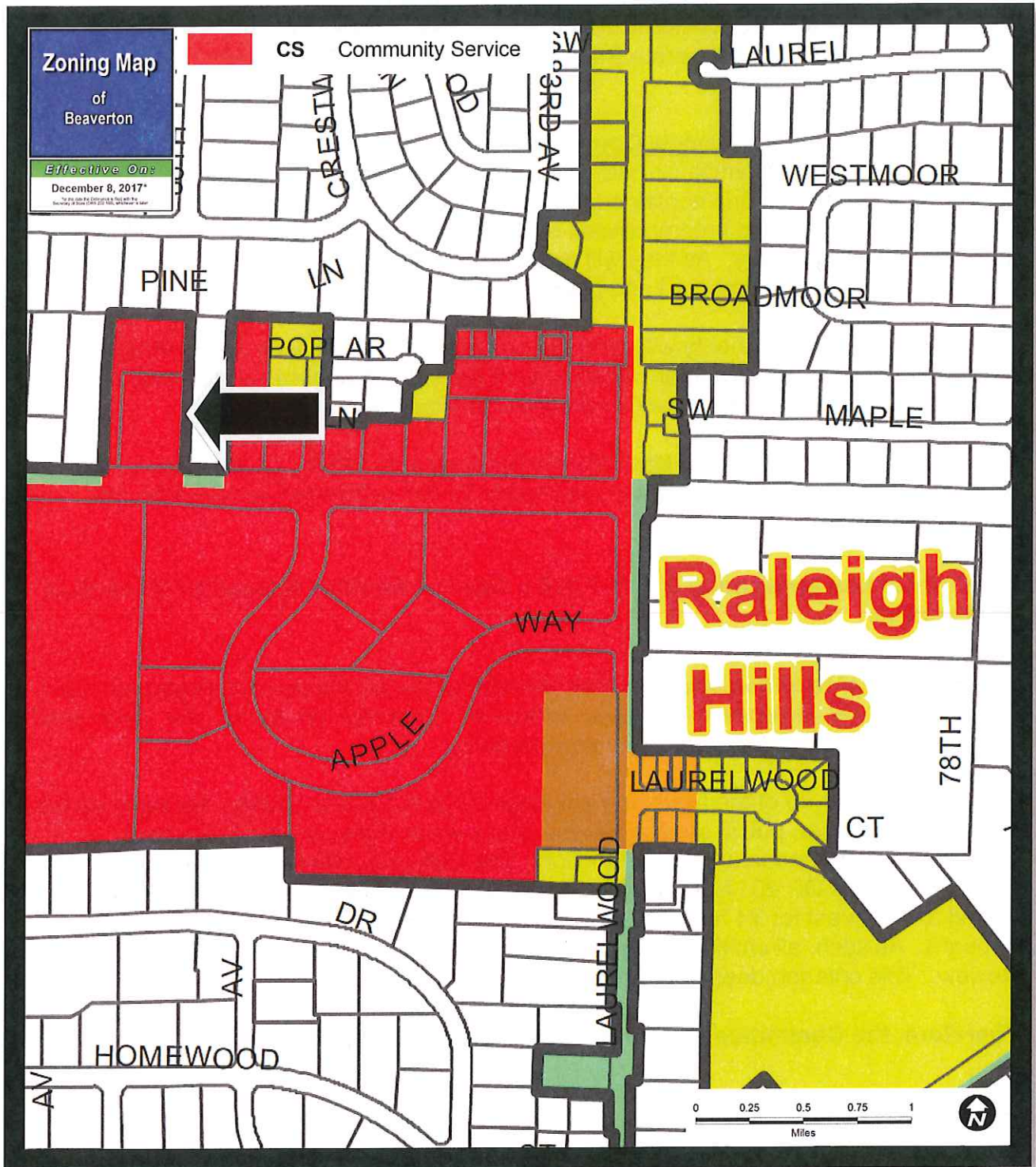
**Exhibit 2. Materials Submitted by Applicant**

Applicant's response to approval criteria and exhibits, dated January 15, 2018 prepared by Cardno for Conditional Use approval.

Vicinity Map



# Zoning Map



**FACILITIES REVIEW COMMITTEE  
DRAFT TECHNICAL REVIEW AND RECOMMENDATIONS  
Bank of America Raleigh Hills: 24 Hour ATM Access  
CU 2017-015**

**Section 40.03 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

**The Facilities Review Committee Criteria for Approval (40.03 – A through L) will be reviewed for all criteria that are applicable to the submitted application as identified below:**

**Conditional Use application CU2017-015 – Bank of America Raleigh Hills: 24 Hour ATM access.**

- A. All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.***

Findings: Chapter 90 of the Development Code defines "critical facilities" as services that include public water, public sanitary sewer, storm water drainage, treatment and detention, transportation and fire protection. The Design Review for the bank structure was approved as DR 2017-0085. The Conditional Use Application under review is limited to a request for 24 hour use of three ATM machines (one walk up and two drive through). As such, all critical facilities for the structure were addressed with the Design Review. This criterion does not apply.

**Therefore, the Committee finds this criterion does not apply.**

- B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.***

Findings: Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way. As discussed above, all Essential Facilities were addressed with the Design Review, therefore this criterion is not applicable.

**Therefore, the Committee finds this criterion does not apply.**

- C. *The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).***

Finding: Staff cites the findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates to applicable Code requirements of Chapter 20 for the Community Service Commercial (CS) zone, in response to Criterion C. All sidewalks, pedestrian approaches, and drive through lanes for the proposed 24 hour ATM's were approved with the Design Review. No structural changes are proposed with this Conditional Use Application.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

- D. *The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.***

Findings: The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates to the applicable Code requirements of Chapter 60, in response to the above mentioned criteria. Staff will provide findings for the applicable Conditional Use and Design Review Compliance Letter approval criteria within the applicable sections of the staff report.

- E. *Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.***

Findings: As previously stated herein, all provisions for maintenance of facilities were fully addressed in the Design Review.

In review of the proposal, the Committee finds that the proposal does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.***
- G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.***
- H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.***
- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.***
- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***
- K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.***

Findings: As previously stated, all critical facilities, circulation, grading or services are addressed in the Design review. No modifications are proposed to the current street location or to utility connections and driveway where currently constructed or approved to be located.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

- L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.***

Findings: In the review of the materials submitted to date, the Committee finds that all application submittal requirements as required from Section 50.25.1 have been submitted.

**Therefore, the Committee finds the proposal meets the criterion for approval**



**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**Community Service (CS) Zoning District**

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Sections 20.10.20</b>			
Permitted Uses	Financial Institutions	The bank use complies with listed permitted uses in CS zone.	<b>Yes</b>
Conditional Uses	Uses operating between the hours of 10 p.m. and 7 a.m. (within 500 feet from an existing Residential use in a Residential zone)	The subject site is within 500 feet of existing residential zoning, Washington County R-24 and R-5 zones to the north. Applicant proposes extended hours of operation (24 hrs. / 7 days a week)	<b>Yes, if approved</b>
<b>Development Code Section 20.10.15</b>			
Minimum Lot Area	7,000 square feet	0.91 acres (38,992 square feet)	<b>Yes</b>
Minimum Lot Dimensions	Width: 70 ft Depth: 100 ft	Not applicable, no new lots proposed	<b>N/A</b>
Yard Setbacks Minimums: Front Side Interior Side Corner Rear	20-feet 10-feet 20-feet 20-feet	Not applicable, no physical improvements proposed	<b>N/A</b>
Maximum Building Height	60 feet (without an adjustment or variance)	Not applicable, no physical improvements proposed	<b>N/A</b>

## Chapter 60 – Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05 Circulation and Parking Design Standards</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Design Review is applicable to the proposed screening. Design Standards will be addressed with the DRCL application.	<b>See DR Findings</b>
<b>Development Code Section 60.30 Off-Street Parking</b>			
Minimum Off-Street Vehicular Parking Spaces	<u>Retail</u> 4.3/1,000 SF x 4.4 = 33 spaces	No changes to existing parking are proposed. Site contains sufficient number of spaces to accommodate the minimum number required for the new use.	<b>Yes</b>
Minimum Off-Street Bicycle Parking	1 short term spaces 1 long term spaces	No changes proposed	<b>N/A</b>
<b>Development Code Section 60.55 Transportation</b>			
Transportation Facilities	Regulations for transportation facilities	No changes are proposed to transportation facilities.	<b>N/A</b>
<b>Development Code Section 60.60 Trees &amp; Vegetation</b>			
Tree & Vegetation Regulations	Preservation for "protected" trees	Not part of proposal.	<b>N/A</b>
Mitigation Requirements for Landscape Tree Removal	1:1 mitigation required based on DBH removed.	Not part of proposal.	<b>N/A</b>
<b>Development Code Section 60.65 Utility Undergrounding</b>			
Utility Undergrounding	All existing utilities and any new utility service lines must be undergrounded.	Not part of proposal.	<b>N/A</b>

**ANALYSIS AND FINDINGS FOR  
CONDITIONAL USE APPROVAL  
Bank of America ATM- Extended Hours of Operation  
CU2017-015**

**Section 40.15.15.3.C. Approval Criteria:**

In order to approve a 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.***

Facts and Findings: Development Code, Section 40.15.15.3.A, Threshold No.1 states:

*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.*

The applicant proposes to extend the hours of operation for three (3) ATM's, one walk up and two drive through, within an approved building currently under construction. The applicant's response to Criterion No. 1 correctly explains that Table 20.10.20, item 27 specifies that any uses operation between 10 pm and 7 am in the Community Services (CS) zone require a conditional use permit. Even though the ATM's will not be attended by bank staff, their operation meets this criterion and therefore a Conditional Use permit is required.

**Therefore, staff finds that the criterion is met.**

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

Facts and Findings: The applicant paid the required fee for a Conditional Use application upon submittal.

**Therefore, staff finds that the criterion is met.**

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

Facts and Findings: Staff cites the following comprehensive plan policy and associated findings as applicable to this criterion:

From Goal 8.4.1 *Create and protect a healthy acoustical environment within the City.*

*Policy 8.4.1.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 application narrative addressed potential glare and noise impacts on the residential property to the north. The closest structure is 275' away. The ATM does not emit any significant noise. The vehicular ATM's would have vehicles entering at a low speed with minimal noise. Additionally, the Highway emits a large volume of noise and any noise produced by the use of the ATM's will be far less than any highway noise generated in this area. Site improvements such as the landscaping and screening proposed and required by condition of approval will further result in a reduction of noise and glare. The structure itself will actually reduce the highway noise that reaches the homes over the existing condition of the vacant lot.

More specifically the applicant proposes that noise and glare issues will be addressed through the following:

1. A 20 foot wide setback along the northern property line
2. A chain link 'cyclone' fence with slats approximately 6 feet high
3. Landscaping consisting of trees, shrubs and ground cover within the 20 foot setback including four proposed Western Hemlock Trees spaced every 30 feet that will grow to over 100 feet tall and 30 feet wide at maturity and shrubs that will; be spaced every 2-3 feet and grow to be approximately 4-6 feet high and 5-8 feet wide at maturity.
4. Four parking lot trees located between the drive-through facility and the proposed 20 foot wide setback along the northern property line which will be Norway Maples and grow to approximately 25 feet in height and 15 feet in width at maturity. Shrubs will be located throughout the parking area as well.
5. A vacant parcel currently separates the bank facility lot from the existing

single-family residences to the north. The applicant reasonable assumes that this will be eventually build out with commercial uses that will further screen the development from the residential uses.

However, as explained previously, the development code addresses screening requirements in Section 60.05.15.D. This section expressly prohibits chain link fencing with or without slats to be used for screening purposes. While staff agrees with the applicant, that the future development of the flag lot to the north of the bank site will eventually screen any potential noise and glare that may impact the residential uses, in the interim, the screening issues must be addressed. The code explains that walls, wood fencing or thick solid hedges suffice as screening materials. As such, staff has proposed a condition of approval that requires the applicant to replace the chain link fencing with any of these code-suggested screening mediums. The applicant can decide which to use.

**Therefore, staff finds that by meeting the conditions of approval, the criterion is met.**

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

Facts and Findings: Again, the proposal is simply to allow 24-hour access to three ATM's. No site alteration is required.

**Therefore, staff finds that the criterion is met.**

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 development of properties in the surrounding area of the subject site.***

Facts and Findings: See response to number 3 above. The 24-hour use will be for the ATM's only. There will be no deliveries, or staff at the Bank during off hours. Use will be minimal and with appropriate screening to assure light and glare (from vehicle headlights) do not impact the neighboring residential uses to the north, the use will meet this criterion. A condition has been added that proposes appropriate, code compliant screening.

**Therefore, staff finds that by meeting the conditions of approval, the criterion is met.**

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

Facts and Findings:

The applicant has submitted the required application materials for review of a Conditional Use application. This review process is a required step to receive City approval for the development's proposal.

**Therefore, staff finds that the criterion is met.**

**RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **CU2017-015 (Bank of America ATM - Extended Hours of Operation)** subject to the conditions of approval identified in Attachment C.

**RECOMMENDED CONDITIONS OF APPROVAL**

**CU2017-015, Conditional Use (Bank of America ATM - Extended Hours of Operation): If the Planning Commission decides to approve the extended hours of operation proposal, staff recommends the following conditions:**

**Prior to occupancy of any building permit, the applicant shall:**

1. Pursuant to code Section 60.05.20.C and D the proposed chain link to the north of the project site shall be replaced with either:
  - a. Solid screen wall constructed of primary exterior finish materials utilized on primary buildings;
  - b. Solid hedge wall with a minimum of ninety-five (95) percent opacity within two (2) years; or,
  - c. A Solid wood fence.

RECEIVED  
CITY OF BEAVERTON  
JAN 29 2018

Dear Matt,

Re: Case File No: CU2017-0015

COMMUNITY DEVELOPMENT

I am writing in opposition to the Conditional Use permit which would allow Bank of America to operate its ATM from 10:00 PM until 7 AM. There is no purpose to operating an ATM during these hours at this location. It will attract unnecessary light, noise, and loitering, which will be just on the other side of neighborhood properties. These rules are in place for a reason, and to let a large bank circumvent them for the cause of customer convenience is unnecessary during the proposed hours. When will customer convenience stop being the only factor driving our urban development?

We are not short of banks or ATMs in the neighborhood. Instead, it appears we are short on thoughtful planning, planning which protects the stillness of the night and prioritizes residents over multinational financial corporations.

Moreover, I urge the city to consider the benefit of drive-through banks and most drive-through facilities. They contribute to unsustainable lifestyles, encourage laziness, take up too much space, and are architecturally unappealing.

Sincerely,

  
Karen Bernards

Staff Response: The intent of the Conditional Use Review for additional operating hours is to assure that the design of the use, in this case the ATM use, would operate in a way that afforded minimal impacts to the neighbors. In this case screening for light and noise has been included and an additional vacant flag lot property will eventually build out with additional structures, fences and vegetation to provide additional screening. The letter does not raise any issues of concern that were not already addressed in the staff report, the conditions of approval, and the design of the site plan.