



STAFF REPORT

HEARING DATE: March 6, 2019

REPORT DATE: February 27, 2019

TO: Planning Commission

FROM: Sierra Davis, Associate Planner

PROPOSAL: **At the Garages Pub Extension of Hours (CU2018-0024)**

LOCATION: 4810 SW Western Avenue
Assessor's Map # 1S115AD Tax Lot 100

ZONING: CS (Community Service)

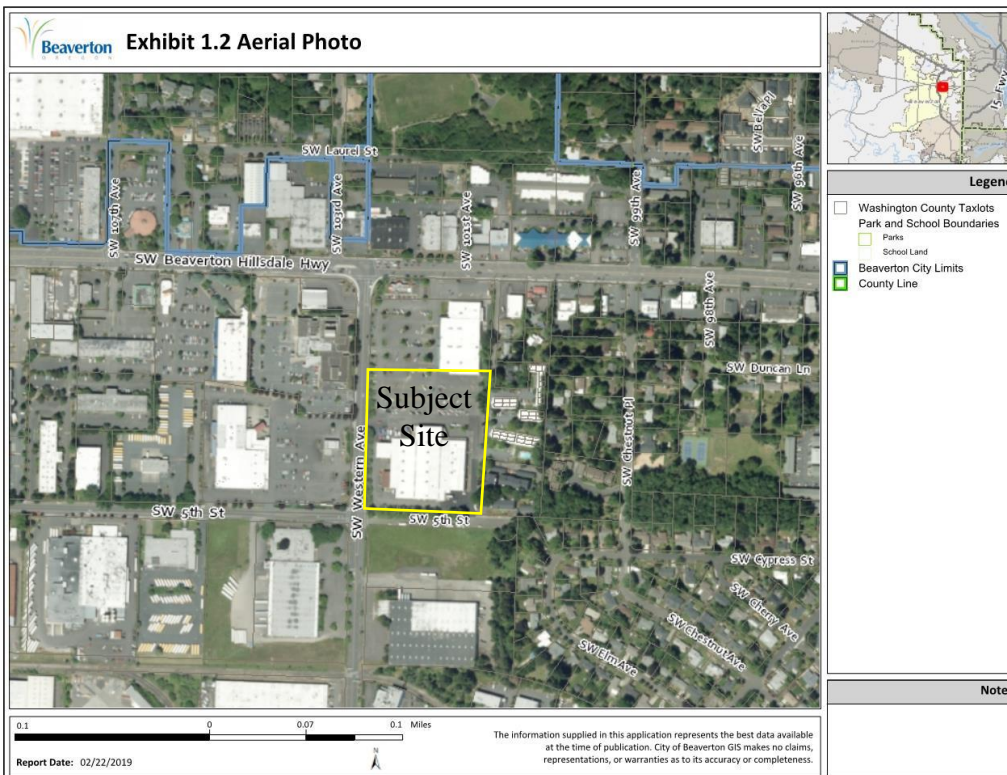
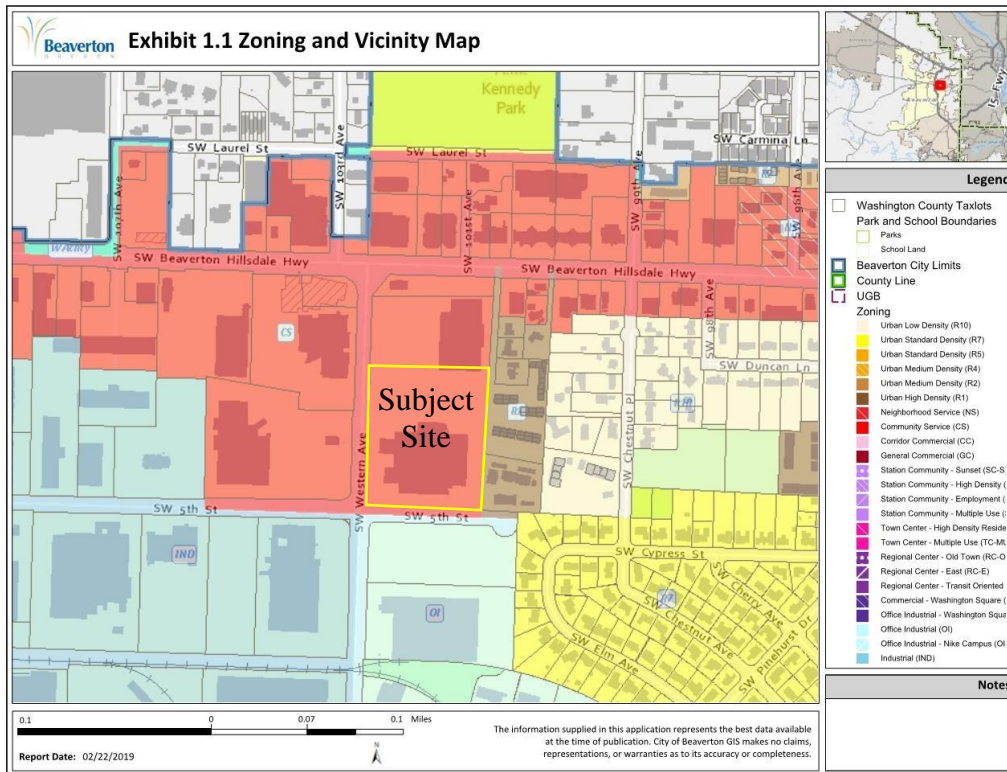
SUMMARY: The applicant, Kent Drangsholt of the Garage Sale Warehouse, has submitted a request for Extended Hours of Operation for the Garages Satellite Pub from 10:00 pm until 1:00 am daily, seven days per week. Any uses located within 500 feet of residentially zoned property wishing to operate outside of the standard hours of 7:00 am to 10:00 pm require Conditional Use approval by the Planning Commission. No physical changes to the site are proposed.

PROPERTY OWNER: GOS Associates
650 S. Orcas Street
Seattle, WA 98108

APPLICANT: At The Garages Satellite Pub
Kent Drangsholt
4810 SW Western Avenue
Beaverton, OR 97005

RECOMMENDATION: **APPROVAL of CU2018-0024 – At The Garages Satellite Pub, subject to conditions contained in this report.**

ZONING/VICINITY/AERIAL MAP



BACKGROUND FACTS**Key Application Dates:**

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
CU2018-0024	December 19, 2018	January 16, 2019	May 16, 2019	January 16, 2020

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

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Existing Conditions:

Zoning	CS (Community Service)	
Current Development	Multi-Tenant Commercial Building	
Site Size	Approximately 6.22 acres	
NAC	Denney Whitford / Raleigh West	
Surrounding Uses	<u>Zoning:</u> North: CS South: OI East: R1 West: CS	<u>Uses:</u> North: Commercial Retail South: Vacant Lot East: High Density Residential West: Commercial Retail

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**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
CU2018-0024 – AT THE GARAGES SATELLITE PUB**

Section 40.03 Facilities Review Committee:

This is a request by the applicant, At the Garages Satellite PUB, to extend the business hours of operation from 10:00 pm to 1:00 am daily. Any uses located within 500 feet of residentially zoned property wishing to operate outside of the standard hours of 7:00 am to 10:00 pm require Conditional Use approval by the Planning Commission. No physical changes to the site are proposed.

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 will be reviewed for all criteria that are applicable to the submitted application as identified below:

The Facilities Review Committee finds that the proposal is limited in scope to extended hours of operation specific to a pub located within the existing commercial establishment, and permitted by right within the Community Service (CS) zoning district. No physical changes to the site are proposed as a result of this request, and as such, complies with all the technical criteria listed herein, A through L.

- 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.***

FINDING: 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 scope of this request is limited to hours of operation, no physical changes to the site are proposed. As the site is currently served by all necessary critical facility and no changes to the site are proposed the criterion will remain adequately served.

Therefore, the Committee finds this criterion is met.

- 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.**

FINDING: 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 are not proposed to be modified by this proposal for extended hours of operation, therefore this site will continue to be served by the existing essential facilities.

Therefore, the Committee finds this criterion is met.

- 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. No physical 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.**

FINDING: 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 Conditional Use within the applicable sections of the staff report.

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

- 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.***
- 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.***

FINDING: In response to criteria E-K above, all critical facilities, circulation, grading or services are not proposed to be modified by this request for extended hours of operation, as such these criterion are not applicable.

Therefore, the Committee finds the criteria do not apply.

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

FINDING: The applicant submitted the land use application on December 26, 2018 and was deemed complete on January 16, 2019. In the review of the materials submitted to date, the Committee finds that all application submittal requirements as required form 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) District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.10.20 (Community Service)			
Use - Conditional	Hours of operation between 10:00 pm and 7:00 am within 500 feet of residentially zoned property.	The applicant proposes extended hours of operation for an existing Pub from 10:00 pm to 1:00 am, daily.	Yes, if Approved
Development Code Section 20.10.15 (Community Service)			
Minimum Lot Area	7,000	Not applicable, no new lots proposed	N/A
Minimum Lot Dimensions	70' width 100' depth	Not applicable, no new lots proposed	N/A
Yard Setbacks Minimums:	20' front 10' side 20' rear	Not applicable, no physical improvements proposed	N/A
Maximum Building Height	60'	Not applicable, no exterior changes are proposed	N/A

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Chapter 60			
60.05 Design Review	Requirements for new development and redevelopment.	No exterior or site changes are proposed.	N/A
60.30 Off-Street Parking	Shopping centers are parked at a ratio of 3.3 parking spaces per 1,000 square feet.	The required number of parking spaces for the 121,706 square feet of commercial space is 402 parking spaces. The shopping center has 449 shared parking spaces.	YES

**CU2018-0024
ANALYSIS AND FINDINGS FOR
CONDITIONAL USE APPROVAL**

Section 40.03.1 Facilities Review Approval Criteria:

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

Therefore, the Committee finds that the proposal meets the criteria.

Section 40.15.15.3.C New Conditional Use Approval Criteria:

In order to approve a New 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.*

The proposed extension of hours from 10:00pm to 1:00am is conditionally permitted in the CS zone. The applicant proposes an eating and drinking establishment that would operate before 7:00 am and/or after 10:00 pm, within 500 feet of a residentially zoned property. Extended hours of operation in this proximity to residential uses requires a Conditional Use permit which satisfies threshold 1 for a new conditional use.

Therefore, staff finds the proposal meets the criterion for approval.

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

The applicant paid the required fee associated with a New Conditional Use application.

Therefore, staff finds the proposal meets the criterion for approval.

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

The applicant's response to Criterion No. 3 states that the proposal will comply with the applicable policies of the Comprehensive Plan.

Staff cites the following Comprehensive Plan policies and associated findings as applicable to this criterion:

Chapter 3 (Land Use Element)

Goal 3.7.3 Community Commercial: Provide for commercial services that serve the surrounding community, with limited auto-oriented uses.

- d. Use development standards and/or conditional use review to address potential issues related to compatibility of commercial uses with adjacent housing, including noise, access and parking.*

The applicant has applied for a Condition Use permit to extend the hours of operation from 10:00pm to 1:00am, where otherwise the business is limited to the hours of 7:00am to 10:00pm when located within 500 feet of residential uses. Staff evaluated the proposed business location in relation to the surrounding uses. The business is located entirely inside the existing building and condition 5 restricts the outdoor uses between the hours of 10:00 pm to 7:00am. Staff finds that by meeting the conditions of approval the policy is met.

Chapter 8 (Environmental Quality and Safety)

8.4.1 Goal: Create a protective and healthy acoustical environment within the City.

- a. Noise impacts shall be considered during development review processes.*

The applicant states that the existing sound levels have been metered using specialized equipment available to Patrick Collins, part owner of the business, from his employer. The sound level inside the pub is on average 90db, which 10 feet outside the door is measured at 50db, which are typical levels of light street noise from Western Avenue. Sound levels of 110db inside the pub resulted in a sound level of 54db, 10 feet outside the front entrance of the pub.

In addition to the current sound level taken at the pub, vestibules are being installed at each entrance and exit location which will further mitigate noise levels with one exterior door, a vestibule and an interior door.

The music on the jukebox at the pub is controlled by a remote control which is kept in the owner's safe so that patrons and staff cannot change the volume of the music, pre-set at 70db. Staff concurs with the applicant's statement. Staff finds that by meeting the conditions of approval the policy is met.

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.*

The proposed project does not alter the size, configuration or topography of the site and natural or man-made features. The proposed use is for the extension of hours of an existing use that is located entirely in the existing building.

Therefore, staff finds the proposal meets the criterion for approval.

5. *The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site.*

In response to Criterion No. 5, the applicant states that the conditional use permit is related to the extension of hours of an existing indoor restaurant and bar use. The proposed extension of hours is being evaluated for the possibility of noise which could impact the livability of surrounding residential uses. The pub is located on the west end of the building approximately 330 feet from the nearest residential property line on the east side of the subject property. The pub entrance is located on the north side of the building facing the existing parking lot. In addition to the distance from the property line, the applicant is installing vestibules at each entrance with an exterior door, vestibule and interior door to further reduce the possibility of noise impacts at the exterior of the building.

Staff finds that the size, location and functional characteristics of the proposal are reasonably compatible with and have minimal impact on surrounding uses.

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.*

The applicant submitted the application for a Conditional Use on December 19, 2018 and was deemed complete on January 16, 2019. The application is not associated with any other applications.

Therefore, staff finds the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **CU2018-0024 (At the Garages Pub)**, subject to the conditions of approval in Attachment C.

**CONDITIONS OF APPROVAL
CU2018-0024
At the Garage Satellite Pub**

CU2018-0024 New Conditional Use Application:

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/SD)
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/SD)
3. The extended hours of operation for the Pub will be from 10:00 pm to 1:00 am, daily, seven days per week. (Planning/SD)
4. All windows and doors must remain closed between the hours of 10:00 pm to 7:00am. (Planning/SD)
5. No outdoor uses are permitted between the hours of 10:00 pm to 7:00am. (Planning/SD)

RECEIVED

FEB 20 2019

City of Beaverton
Planning ServicesTerry R. McLean
5125 SW Elm Ave.
Beaverton, OR 97005
503 781-5356

February 20, 2019

Community Development Dept.
Planning Division
12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR, 97076

Dear Sandra Freund,

I am writing in regards to K. Drangsholt of the Garage Sale Warehouse request for extended hours of operation for the Garages Satellite Pub from 10pm to 1am, seven days a week. I am concerned about the noise that has been generated from the pub in their past history. I live at 5125 SW Elm Ave., within sight of the Garage Complex, across the vacant lot at the Southeast corner of 5th and Western Avenues. In the past during live musical events, the music was very audible and at times during the summer we had to close our windows because of it. We were appreciative that the music ended usually at 9:30-9:45pm. We are very concerned that if music continues until later in the night that our quality of life will be affected and also the value of our home.

We are not opposed to the Garage Pub's existence. We are not opposed to live music, just not past 9:30pm. We would hope that Mr. Drangsholt might understand our concerns and if this extension is granted, make it a point to turn down the volume at an appropriate time of night (i.e., 9:30pm).

Sincerely,


Terry R. McLean
Annin Barrett

Case file CU 2018-0024

Project name:
At the Garages
Satellite Pub

cc K. Drangsholt