



STAFF REPORT

HEARING DATE: February 12, 2020

REPORT DATE: February 5, 2020

TO: Planning Commission

FROM: Brianna Addotta, Assistant Planner

PROPOSAL: **Cedar Hills Crossing Extended Hours (CU2019-0010)**

LOCATION: 3205 SW Cedar Hills Blvd.
Assessor's Map # 1S109 Tax Lot 200

ZONING: CS (Community Service)

SUMMARY: The applicant, Center Developments Oreg. LLC, has submitted a Conditional Use request for Extended Hours of Operation for the Cedar Hills Crossing Shopping Mall, excluding major and minor automotive uses, to operate from 4am-2am. The entire site currently operates under CU2004-0017, allowing hours of operation from 7am-2am excluding major and minor automotive uses. The Ross and WinCo buildings obtained approval for 24 hour operation at that time; this proposal for Extended Hours of Operation would not alter that portion prior approval. No physical changes to the site are proposed.

PROPERTY OWNER: Mall 1, LLC
1701 SE Columbia River Drive
Vancouver, WA 98661

APPLICANT: Center Developments Oreg. LLC
1701 SE Columbia River Drive
Vancouver, WA 98661

RECOMMENDATION: **APPROVAL of CU2019-0010 – Cedar Hills Crossing Extended Hours, subject to the Conditions of Approval included in this report.**

Exhibit 1.1: AERIAL MAP

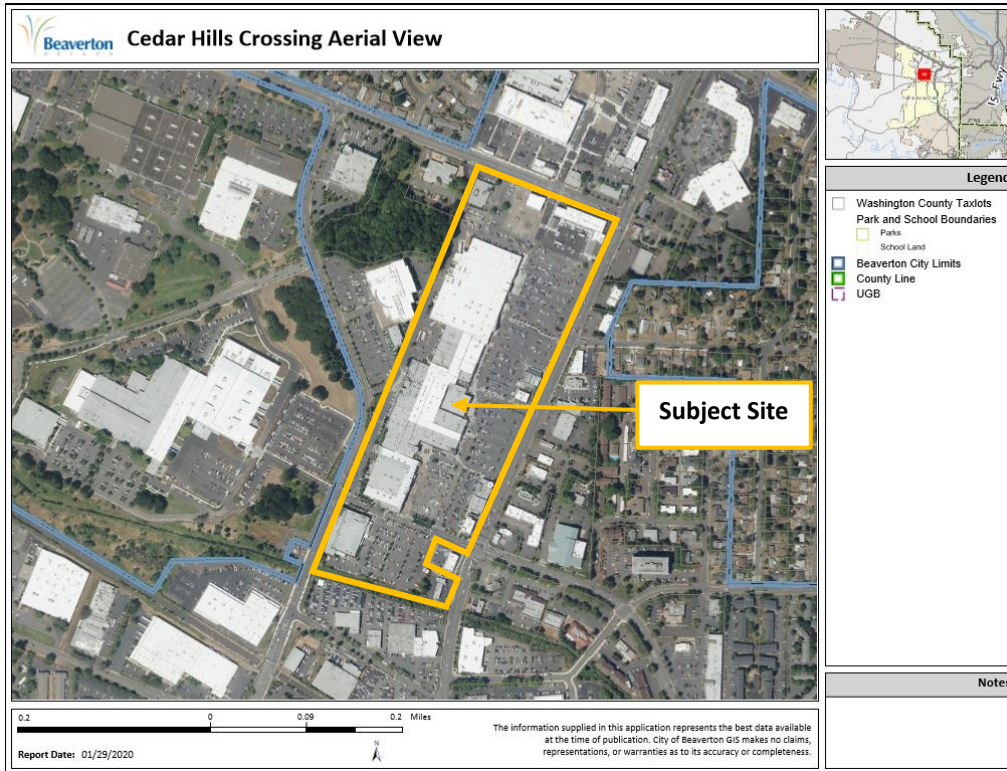
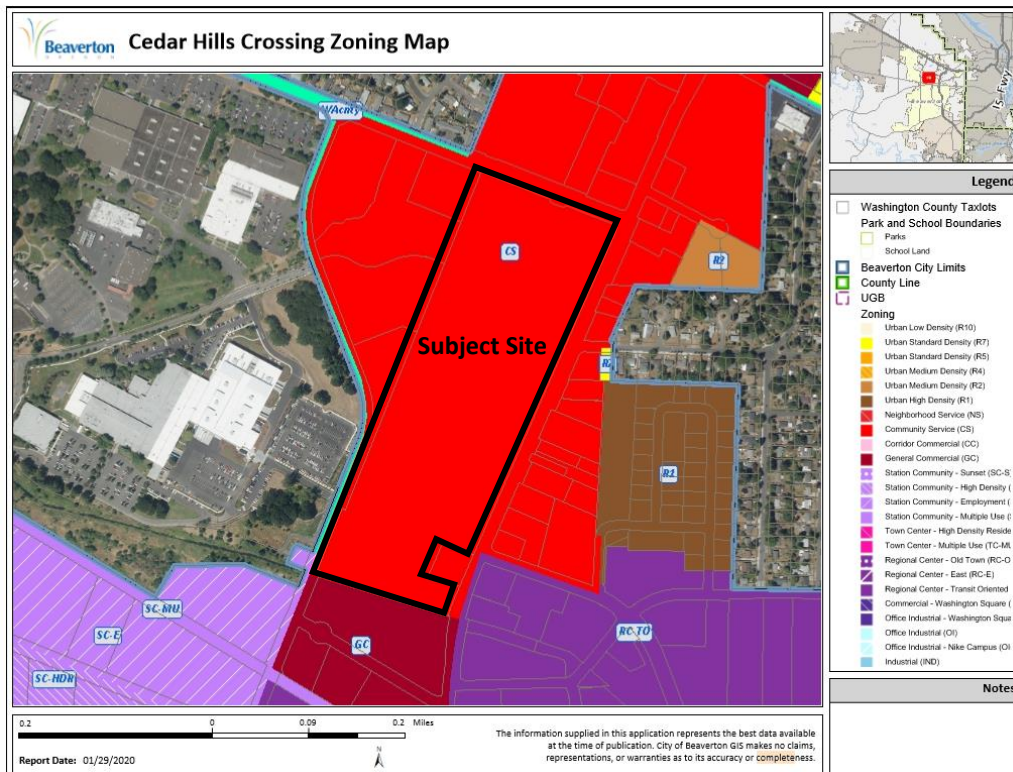


Exhibit 1.2: ZONING/VICINITY MAP



BACKGROUND FACTS

Key Application Dates:

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
CU2019-0010	November 27, 2019	December 12, 2019	April 10, 2020	December 11, 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 36.48 acres	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u> North: CS South: GC East: CS & RC-TO West: CS & Washington County	<u>Uses:</u> North: Commercial Retail South: Vehicle Sales East: Commercial West: Commercial & Office

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Exhibits

Exhibit 1. Materials submitted by Staff	
Exhibit 1.1 Aerial Map (page SR-2 of this report)	
Exhibit 1.2 Zoning/Vicinity Map (page SR-2 of this report)	
Exhibit 2. Public Comment	
No Comments	
Exhibit 3. Materials submitted by the Applicant	
Exhibit 3.1 Submittal Package (On file at City Hall)	

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
CEDAR HILLS CROSSING EXTENDED HOURS
CU2019-0010**

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 applications as identified below.

The request is for conditional use approval to allow extended hours of operation for businesses located within the Cedar Hills Crossing Shopping Center located at 3205 SW Cedar Hills Blvd and specifically identified as Washington County's Map 1S109 Lot 200. The site currently operates under a 2004 Conditional Use permit for extended hours (CU2004-0017) which states:

The hours of operations for all permanent uses with the exception of Automotive Services major and minor, shall be limited to the hours of 7am to 2am seven days a week. Retail merchandising and grocery uses within the Ross and WinCo buildings may operate 24 hours a day seven days a week.

This Conditional Use permit, if approved, would change the allowed hours of permanent operations, except for major and minor automotive uses, from 7am-2am to 4am-2am. These hours are requested in order to accommodate maintenance work, as well as tenants and customers who desire early morning items, primarily breakfast foods and drinks. Retail merchandising and grocery uses within the Ross and WinCo buildings would remain able to operate 24 hours a day.

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 Beaverton Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The scope of the proposal is limited to a change of

hours of operation. No additional floor area or site improvements are proposed as part of this application. Since the site is currently served by all critical facilities and no changes to the site are proposed, the site will remain adequately served.

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

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 Beaverton Development Code defines “essential facilities and services” to be schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities and rights of way. The scope of the proposal is limited to a change of hours of operation. No additional floor area or site improvements are proposed as part of this application. Since the site is currently served by all essential facilities and no changes to the site are proposed, the site will remain adequately served.

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

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:

The subject site is zone Community Service and currently contains a mix of retail and eating and drinking establishment uses, allowed outright in the zone. No new uses are proposed with this application, however, Section 20.10.20 of the Beaverton Development Code requires that uses in the CS zone and located within 500 feet of residentially zoned property obtain a Conditional Use permit in order to operate between 10pm and 7am. No other action that would affect site development standards in Chapter 20 is proposed.

Therefore, staff finds that 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 proposal is for extended hours of operation. No physical development is proposed. The site is currently developed with a mix of retail uses and associated parking, landscaping and pedestrian facilities.

Therefore, staff finds the criterion is not applicable.

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.

FINDING:

The proposal is for extended hours of operation, no physical development is proposed. The current maintenance program on site will not be affected by allowing extended hours of operation except that the proposal would extend the operation time for the maintenance or replacement of facilities.

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

F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

FINDING:

The project proposal is limited to a request for extended hours of operation, there is no physical change to the site proposed and as such, the project will not impact the existing pedestrian circulation patterns within the boundaries of the existing shopping center.

Therefore, staff finds the criterion is not applicable.

G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

FINDING:

No physical changes are proposed to the site. Since no physical changes to the site are proposed, the project will not impact the existing on-site vehicular and pedestrian connections to the surrounding circulation systems.

Therefore, staff finds the criterion is not applicable.

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.

FINDING:

The structures and public facilities for this development have already be installed as it is an existing development. Requesting extended hours of operation shall have no affect to facilities and structures serving the site.

Therefore, staff finds the criterion is not applicable.

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.

FINDING:

The structures and public facilities for this development have already be installed as it is an existing development. The request to extend hours of operation are not expected to affect facilities and structures serving the site.

Therefore, staff finds the proposal will meet the criterion for approval.

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.

FINDING:

The project proposal is limited to a request for extended hours of operation. No physical changes to the site are proposed, including grading or contouring of the area.

Therefore, staff finds that the criterion is not applicable.

- 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:

The project proposal is limited to a request for extended hours of operation. No physical changes to the site are proposed. The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA) should they submit applications for physical changes on the project site,.

Therefore, staff finds the criterion is not applicable.

- L. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

FINDING:

The applicant submitted the Conditional Use application on November 27, 2019 and was deemed complete on December 12, 2019. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements, as identified in Section 50.25.1 are contained within this proposal.

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

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Chapter 60 Special 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 commercial retail development from 4am to 2am, 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

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.	No additional building square footage or parking is proposed.	N/A

ANALYSIS AND FINDINGS FOR CONDITIONAL USE APPROVAL CU2019-0010

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 4am to 2am is conditionally permitted in the CS zone. The applicant proposes extended hours of operation for an existing commercial retail center 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 Condition Use approval to extend the hours of operation from 4am to 2am, where otherwise the business is limited to the hours of 7am to 10pm when located within 500 feet of residential uses. The applicant has specifically stated these extended hours shall not apply to any major or minor automotive uses, due to the potential for impact to the surrounding residential areas. The activities performed on site from 4am to 7am shall be restaurant and service related, expected to occur primarily inside the buildings.

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

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 applicant states the site is 36.38 acres in size, relatively flat, and contains existing development and no natural features other than landscaping. 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 and reasonably accommodates the proposal.

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 commercial retail use. The proposed extension of hours is being evaluated for the possible impact to the livability of surrounding residential uses. The building is located on the west side of the parcel and is located approximately 380 feet from the nearest residential property line. Staff notes the development currently operates under an approved Conditional Use which allows

operations from 7am to 2am, so this request is to address the morning demand of the tenants in this facility and does not alter the current hours of operation at night. The reason extended hours of operation are requested is to accommodate tenants that want to serve breakfast items beginning at 4am. The applicants have specifically omitted any major or minor automotive uses from their request due to the possible impact on neighbors. Finally, the WinCo and Ross buildings currently operate 24 hours a day with minimal impact on surrounding residential uses, and the proposal is to accommodate the same type of commercial retail operation from 4am to 7am for the other tenants of the site. 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 the proposal meets the criterion for approval.

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 November 27, 2019 and was deemed complete on January 12, 2020. 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 **CU2019-0010 Cedar Hills Crossing Extended Hours** subject to the conditions of approval in Attachment C.

**CONDITIONS OF APPROVAL
Cedar Hills Crossing Extended Hours
CU2019-0010**

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. This Conditional Use permit for extended hours shall not apply to any currently existing or future major or minor automotive uses. (Planning/BA)