

CITY OF BEAVERTON Planning Division Community Development Department Tel: 503-526-2420 www.beavertonoregon.gov

# STAFF REPORT

Report Date: January 31, 2024

Application/Project Name: LU32023-00762 Emler Swim School – Tanasbourne

Application Numbers: CUN32023-00761



**Proposal:** The applicant, Polkinghorn Group Architects, requests approval of a New Conditional Use application to convert an existing approximately 7,609 sq. ft. restaurant building for use as an indoor swimming lesson facility for children. A swim lesson facility is considered a Commercial School which is a conditional use in the Office Industrial (OI) zoning district. All proposed work is located inside the building. No changes to the site are proposed.

**Proposal Location:** The site is located at 1225 NW Waterhouse Avenue, specifically identified as Tax Lot 600 on Washington County Tax Assessor's Map 1N132BD.

**Recommendation:** APPROVAL of LU32023-00762 Emler Swim School – Tanasbourne (CUN32023-00761), subject to conditions identified at the end of this report.

#### **Contact Information:**

City Staff Representative:	Aaron Harris, Senior Planner 503-616-8453, <u>aharris@BeavertonOregon.gov</u>
Applicant:	Polkinghorn Group Architects 925 S. Capital of Texas Hwy Building A, STE 20 Austin, TX 78746
Property Owner:	TVSC, LLC 4675 SW 229th Ave. Aloha, OR 97007

## **Existing conditions**

Zoning: Office Industrial (OI)

**Site conditions:** The site contains an existing approximately 7,609 sq. ft. restaurant building, a parking lot, and landscaping.

Site Size: 1.34 acres.

**Location:** 1225 NW Waterhouse Avenue. Located at the northeast corner of the NW Waterhouse Avenue and NW Gateway Court intersection, and specifically identified as Tax Lot 600 on Washington County Tax Accessor's Map 1N132BD.

Neighborhood Association Committee: Five Oaks/Triple Creek

#### Table 1: Surrounding uses

Direction	Zoning	Uses
North	Office Industrial (OI)	Undeveloped
South	Office Industrial (OI)	Fitness Club
East	Office Industrial (OI)	Hotel
West	Office Industrial (OI)	Gas Station

## **Application information**

#### **Table 2: Application Summaries**

Application	Application type	Proposal summary	Approval criteria location
CUN32023-00761	New Conditional Use	Convert an existing building to operate an indoor swimming lesson facility for children.	Development Code Section 40.15.15.5.C

#### Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
CUN32023- 00761	October 27, 2023	December 1, 2023	March 30, 2024	December 1, 2024

\* 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.

\*\* This is the latest date, with a continuance, by which a final written decision on the proposal can be made.

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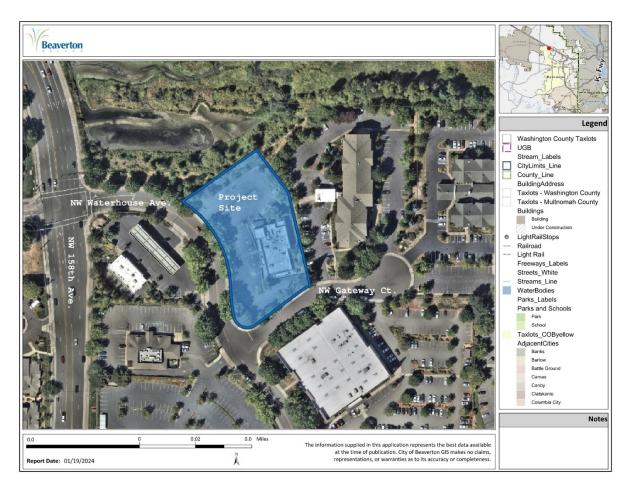
### Exhibits

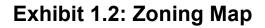
Exhibit 1.1	Vicinity Map	(page 6 of this	report)
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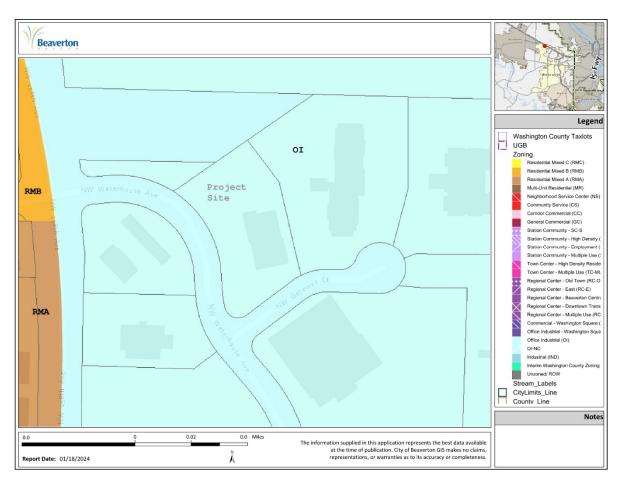
Exhibit 1.2 Zoning Map (page 7 of this report)

- Exhibit 2. Public Comment
  - No Public Comments Received
- Exhibit 3. Materials submitted by the Applicant
  - Exhibit 3.1 Application Form
  - Exhibit 3.2 Application Narrative
  - Exhibit 3.3 Pre-Application Conference Notes
  - Exhibit 3.4 Service Provider Letters
  - Exhibit 3.5 Trip Generation Memorandum
  - Exhibit 3.6 Neighborhood Meeting Documentation
  - Exhibit 3.7 Plans and Graphics

Exhibit 1.1: Vicinity Map







# **Attachment A: Facilities Review**

### TECHNICAL REVIEW AND RECOMMENDATIONS

Application: LU32023-00762 Emler Swim School – Tanasbourne (CUN32023-00761)

**Proposal:** The applicant, Polkinghorn Group Architects, requests approval of a New Conditional Use application to convert an existing approximately 7,609 sq. ft. restaurant building for use as an indoor swimming lesson facility for children. A swim lesson facility is considered a Commercial School which is a conditional use in the Office Industrial (OI) zoning district. All proposed work is located inside the building. No changes to the site are proposed.

#### Recommendation: APPROVE LU32023-00762 (CUN32023-00761)

**Finding:** The Facilities Review Committee finds the applicable Facilities Review Committee approval criteria have been met.

#### Outstanding Technical Issues: None

## 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 a 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.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application(s) as identified below:

• All twelve (12) criteria are applicable to the New Conditional Use (CUN32023-00761) application as submitted.

## Section 40.03.1.A

**Approval Criterion:** 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" to be services that include potable and non-potable public water; public sanitary sewer; stormwater drainage, treatment, and retention; transportation; and fire protection.

**Potable Water:** The subject site is served by City of Beaverton public water service, and an existing eight-inch public water main located in NW Waterhouse Avenue right of way will provide water service to the site. The proposed scope of work does not include modifications to utility locations or connections for potable water service to this site. The Committee finds that adequate potable public water service can be provided to the site to serve the proposed development.

**Non-Potable Water:** There is no non-potable water network in the development area. Therefore, the proposal is exempt from connecting to a non-potable water network.

**Sanitary Sewer:** The subject site is served by City of Beaverton, and an existing eightinch public sewer main is located in NW Waterhouse Avenue right of way. The proposed scope of work does not include modifications to utility locations or connections to this site. Therefore, the Committee finds that adequate sanitary sewer service can be provided to the site to serve the proposed development.

**Stormwater Drainage, Treatment, and Retention:** The subject site is served by City of Beaverton stormwater service. Existing stormwater drainage and treatment infrastructure including a 12-inch public stormwater gravity main, catch basins, and manholes are located in NW Waterhouse Avenue right of way. The proposed scope of work does not include modifications to utility locations or connections to this site. Therefore, the Committee finds that adequate sanitary sewer service can be provided to the site to serve the proposed development.

**Transportation:** The site is bordered by NW Waterhouse Avenue to the west and NW Gateway Court to the south. Both are classified as local streets and maintained by the City of Beaverton. The proposed scope of work does not include modifications to the existing road network or site access.

Currently there are no bicycle parking spaces on site. The proposal includes two shortterm bicycle spaces and two long-term bicycle spaces, meeting the minimum bicycle parking standards in BDC Table 60.30.10.5.B.

The Committee finds that a safe and efficient transportation network will be provided for the subject site.

**Fire Protection:** Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). The proposal scope of work does not include any site work or building additions. Therefore, a TVF&R Service Provider Letter is not required with this application.

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**Conclusion:** The Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.B

**Approval Criterion:** 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.

**Schools:** The proposed development is within the Beaverton School District (BSD) boundaries. The proposal is not projected to generate additional demand on the Beaverton School District system as no residential uses are proposed.

**Transit Improvements:** Bus transit service is provided near the intersection of NW 158th Avenue and NW Greenbrier Parkway in both directions with service from bus line 67. The bus stops are located approximately 0.2 miles from the subject site.

**Police Protection:** The City of Beaverton Police Department will serve the development site. As of the date of this report, Beaverton Police have not provided comments or recommendations to the Committee. Therefore, the Committee finds that adequate police protection service can be provided to the site to serve the proposed development.

**Pedestrian and Bicycle Facilities:** The site is bordered by NW Waterhouse Avenue to the west and NW Gateway Court to the south. Both right of ways are classified as local streets and each local street has sidewalks on each side. Bike lanes are not required on local roads per City of Beaverton EDM standards. The Committee finds that these facilities will provide adequate pedestrian and bicycle connectivity for the proposed development.

For these reasons, the Committee finds that essential facilities and services related to the proposed development are available or can be made available with adequate capacity to serve the development.

**Conclusion:** The Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.C

Approval Criterion: The proposed development is consistent with all applicable provisions of<br/>Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more<br/>applications which shall be already approved or which shall be considered concurrently with the<br/>Report Date: January 31, 2024City of BeavertonPage 9

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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 site is zoned Office Industrial (OI). The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 20.

**Conclusion:** The Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.D

**Approval Criterion:** 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 the applicable Code requirements of Chapter 60 (Special Requirements). Staff will provide findings for the Design Review Three request within the applicable section of the staff report.

**Conclusion:** The Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.E

**Approval Criterion:** 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 applicant states that all existing structures and site features on the property will be maintained by the Owner's maintenance team and that no new site features or elements are included with the land use proposal.

**Conclusion:** The Committee finds that the proposal meets the approval criterion.

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## Section 40.03.1.F

**Approval Criterion:** There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

#### FINDING:

The site contains existing pedestrian walkways from onsite parking areas to the main entrance. No changes to the existing on-site vehicular and pedestrian circulation patterns are proposed.

**Conclusion:** The Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.G

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

#### FINDING:

The site contains existing pedestrian walkways from the adjacent streets to the building's main entrance. No changes to the existing on-site vehicular and pedestrian circulation patterns are proposed.

**Conclusion:** The Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.H

**Approval Criterion:** 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:

Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). The proposal's scope of work does not include any site work or building additions. Therefore, a TVF&R Service Provider Letter is not required with this application. The Committee finds that the site can be designed in accordance with City codes and standards and provides adequate fire protection.

**Conclusion:** The Committee finds that the proposal meets the approval criterion.

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## Section 40.03.1.I

**Approval Criterion:** 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 proposed scope of work does not include any site work or building additions. The Committee finds that the construction documents for the forthcoming Building Permit reviews in addition to subsequent inspections will ensure protection from hazardous conditions due to inadequate, substandard, or ill-designed development.

**Conclusion:** The Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.J

**Approval Criterion:** 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:

No grading is proposed with this application.

**Conclusion:** The Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.K

**Approval Criterion:** 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:

No new site development is included with the proposal. The applicant states that interior construction will meet ADA requirements. Building Permit reviews following land use approval will ensure that all applicable accessibility standards of the International Building Code, Fire Code, and other ADA standards will be met by the development. The

Committee finds that the review of the proposed plans at the Building Permit stage is sufficient to guarantee compliance with accessibility standards.

**Conclusion:** The Committee finds that the proposal meets the approval criterion.

### Section 40.03.1.L

**Approval Criterion:** The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.

#### FINDING:

The applicant submitted the Design Review Three application on October 27, 2023, and the application was deemed complete on December 1, 2023.

**Conclusion:** The Committee finds that the proposal meets the approval criterion

## **Code Conformance Analysis**

### Chapter 20 Use and Site Development Requirements

#### Office Industrial District (OI) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
	Development Code Sec	ction 20.15.20	
Commercial Schools	Conditional	The applicant proposes to convert an existing restaurant building for use as an indoor swimming lesson facility for children.	See CU Findings
	Development Code Sec	ction 20.15.15	
Minimum Parcel Area	None	No changes to the existing lot size are proposed.	N/A
Residential Density	N/A	No dwelling units are proposed.	N/A
Lot Dimensions	Minimum Width: None Minimum Depth: None	No changes to the site's existing lot dimensions are proposed.	N/A
Yard Setbacks	Any yard abutting a Residential Zone: 75 feet Front: 35 feet Side: 10 feet Rear: None	No changes to the existing building footprint are proposed.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Maximum Building Height	80 feet.	No changes to the existing building height are proposed.	N/A
	Development Code Secti	on 20.15.30.1.A	
Off-Street Parking and Loading	No parking shall be allowed within the first 20 feet of the front yard setback.	No changes to the site's existing parking and loading are proposed.	N/A

## Chapter 60 Special Requirements

CODE STA	NDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
		Development Code	Section 60.05	
Design Review Principles, Stand and Guidelines	lards,	Requirements for new development and redevelopment.	No changes to the existing site are proposed.	N/A
		Development Code	Section 60.07	
Drive-Up Windov Facilities	N	Requirements for drive-up, drive-through, and drive-in facilities.	No drive-up window facilities are proposed.	N/A
		Development Code	Section 60.10	
Floodplain Regu	lations	Requirements for properties located in floodplain, floodway, or floodway fringe.	There is no floodplain, floodway, or floodway fridge located on the subject site.	N/A
		Development Code	Section 60.11	
Food Cart Pod F	Regulations	Requirements for food carts and food cart pods.	No food cart pods are proposed.	N/A
		Development Code	Section 60.12	
Habitat Friendly Impact Developr Practices		Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits are requested.	N/A
		Development Code	Section 60.15	
Land Division Standards	feet of a p	ntouring within 25 roperty line within or ny residentially zoned	No land divisions are proposed with the application. <b>N/A</b>	

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
	Development Code	e Section 60.20	
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	N/A
	Development Code	Section 60.25	
Off-Street Loading Requirements	Minimum: None	No loading spaces are roposed.	N/A
	Development Code	Section 60.30	
Off-Street Motor Vehicle Parking	Minimum: None	No changes to the existing parking configuration are proposed.	N/A
Required Bicycle Parking	Short-term: 2 spaces	Short-term: 2 spaces	YES
	Long-term: 2 spaces	Long-term: 2 spaces	
	Development Code	Section 60.33	
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	N/A
	Development Code	Section 60.35	
Planned Unit Development	Development and design principles for Planned Unit Developments.	No proposal does not include a Planned Unit Development	N/A
	Development Code	Section 60.40	
Sign Regulations	Requirements for signs.	All signs will be reviewed under a separate sign permit and are not reviewed with this proposal.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS
CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	CODE?

	Development Code	Section 60.50	
Accessory Uses and Structures	Requirements for accessory uses and structure.	Accessory structures are not proposed.	N/A
	Development Code	Section 60.55	
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities.	Refer to the Facilities Review Committee findings herein.	YES
	Development Code	Section 60.60	
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	The proposal does not affect existing trees or vegetation.	N/A
	Development Code	Section 60.65	
Utility Undergrounding	Requirements for placing overhead utilities underground.	The development does not propose to modify utility infrastructure.	N/A
	Development Code	Section 60.67	
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	The subject site contains a riparian corridor. The applicant has provided a service provider letter from Clean Water Services stating that the proposal does not meet the definition of development. In addition, correspondence from the Oregon Department of State Lands states that the proposal does not constitute ground disturbing action and therefore a Wetland Land Use Notification is not required.	YES
	Development Code	Section 60.70	
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	N/A

# Attachment B: NEW CONDITIONAL USE CUN32023-00761

# ANALYSIS AND FINDINGS FOR NEW CONDITIONAL USE APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **CUN32023-00761**. Should the Planning Commission determine that the application should be approved, staff recommends that the Planning Commission adopt the conditions identified in Attachment C.

# 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

#### FINDING:

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.

**Conclusion:** Staff finds that the proposal meets the approval criterion.

# Section 40.15.05 Purpose:

The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances. Conditional Uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied. This Section is carried out by the approval criteria listed herein.

# Planning Commission Standards for Approval:

Section 40.15.15.5.C of the Development Code provides standards to govern the decisions of the Planning Commission as they evaluate and render decisions on New Conditional Use Applications. The Planning Commission will determine whether the application, as presented,

meets the New Conditional Use approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for New Conditional Use.

To approve a New Conditional Use application, the Planning Commission shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

## Section 40.15.15.5.C.1

The proposal satisfies the threshold requirements for a Conditional Use application.

#### FINDING:

The applicant's proposed use is a Commercial School. Commercial Schools are a Conditional Use in the Office Industrial zoning district, and no prior Conditional Use approval for the proposed use is in effect for the subject site. Accordingly, staff finds that the proposal is subject to a New Conditional Use review by meeting Threshold 1 which reads:

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.

**Conclusion:** Staff finds the proposal meets the approval criterion.

## Section 40.15.15.5.C.2

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

#### FINDING:

The applicant has paid the required fees for this New Conditional Use application.

**Conclusion:** Staff finds the proposal meets the approval criterion.

## Section 40.15.15.5.C.3

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

#### FINDING:

The following Comprehensive Plan policies apply to this project:

Chapter 3 (Land Use Element)

#### Goal 3.9.1 Successful employment lands

Policy a of 3.9.1

a) Emphasize and prioritize employment and industrial uses – ensure that other uses allowed within these plan designations support and do not detract from the desirability of these areas for employment and industrial uses.

Staff finds that the proposed use, Commercial School, is a conditional use in the OI Zone per BDC Table 20.15.20.A. The applicant's proposal is limited in scope to interior renovations. No changes to the subject site or surrounding area are proposed. The proposed use is not anticipated to detract from the desirability of the area.

Policy c of 3.9.1.

c) Provide employment land suitable to meet long-term and short-term employment growth forecasts, including encouraging increased employment densities and the reuse of underutilized employment land.

Staff finds that the proposal is to convert an existing restaurant building for use as a new Commercial School, thereby reusing an existing and currently inactive building. The proposal will also help provide long-term and short-term employment. According to the applicant's narrative, many current Emler Swim School employees have been with the company for decades or have transitioned to other positions within the company. The existing swim school locations offer positions for both seasonal employment and long-term employment.

# Goal 3.9.2 Employment Areas: Provide desirable locations for mix of office and flexible employment space and complementary uses.

Policy a of 3.9.2

a) Provide for a mix of office, industrial and other employment space and complementary uses such as retail, restaurants, hotels, and services to meet the needs of businesses and employees.

Staff finds that the proposal will help support a mix of office, industrial, and other employment spaces to meet the needs of businesses and employees. Emler Swim School currently operates multiple facilities in the Oregon metro area. As previously noted, the proposal will help provide long-term and short-term employment.

**Conclusion:** Staff finds the proposal meets the approval criterion.

## Section 40.15.15.5.C.4

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

#### FINDING:

The site contains an existing approximately 7,609 sq. ft. restaurant building, a parking lot, and landscaping. The proposal is limited in scope to interior tenant improvements. No modifications to the site are proposed.

**Conclusion:** Staff finds that the proposal meets the approval criterion.

## Section 40.15.15.5.C.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 use and development of properties in the surrounding area of the subject site.

#### FINDING:

The functional characteristics of the proposal can be assumed reasonably compatible with the surrounding area as there are no proposed modifications to the existing site, parking, landscaping, or surrounding area. According to the applicant's narrative, the proposed swim school will operate interior to the building only. The use will operate during normal business hours and no activities will occur between the hours of 10:00PM and 7:00AM.

Staff further notes that the subject site contains a parking lot with approximately 72 parking spaces. According to the applicant's Trip Generation Memo, no increase in trip generation is being caused by the proposed use (Exhibit 3.5). As such, staff does not anticipate any impacts to the surrounding traffic network.

**Conclusion:** Staff finds the proposal meets the approval criterion.

## Section 40.15.15.5.C.6

The proposed residential use located in the floodway fringe meets the requirements in Section 60.10.25.

#### FINDING:

Residential uses are not proposed. The use, Commercial School, is classified as a civic use in BDC Table 20.15.20.A. The subject site is not located in the floodway fringe.

**Conclusion:** Staff finds the criterion is not applicable.

## Section 40.15.15.5.C.7

For parcel(s) designated Interim Washington County, the proposed use, identified in the land use designation previously held for the subject parcel(s), meets the use requirements identified in Washington County's Development Code.

#### FINDING:

The subject site is zoned Office Industrial. It is not designated Interim Washington County. Therefore, the criterion is not applicable.

**Conclusion:** Staff finds the criterion is not applicable.

## Section 40.15.15.5.C.8

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

#### FINDING:

No other applications or documents related to the request are required at this time.

**Conclusion:** Staff finds that the proposal meets the approval criterion.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, staff recommends APPROVAL of CUN32023-00761. Should the Planning Commission determine the application should be approved, staff recommends it is subject to the applicable conditions identified in Attachment C.

# **Attachment C: Conditions of Approval**

Application: LU32023-00762 Emler Swim School – Tanasbourne

**Recommendation:** APPROVE LU32023-00762 Emler Swim School – Tanasbourne (CUN32023-00761), subject to the conditions of approval herein.

New Conditional Use (CUN32023-00761)

# A. Prior to final inspection/occupancy of any building permit, the applicant shall:

 Ensure that all required bicycle parking has been installed consistent with the submitted plans and the Beaverton Engineering Design Manual per Section 340. (Planning / AH)