



## STAFF REPORT

REPORT DATE: July 6, 2016

HEARING DATE: July 13, 2016

TO: Planning Commission

STAFF: Jana Fox, Associate Planner

PROPOSAL: **CU2016-0001 – Walker Road Starbucks Extended Hours**

LOCATION: The subject site is located at 16175 SW Walker Road. Tax Lot 700 on Washington County Tax Assessor's Map 1S105BA.

SUMMARY: The applicant, Starbucks Coffee Company, has submitted a New Conditional Use application for extended hours of operation in the Community Service (CS) zoning district in order to operate from 4:00 am to 11:00 pm. Uses located within 500 feet of residentially zoned property wishing to operate outside the hours of 7:00 am to 10:00 pm require Conditional use approval in the CS zoning district. No physical changes to the site are proposed.

PROPERTY OWNER: Alprop, LLC  
Mark Schnick  
4905 SW Griffith Dr, Suite 205  
Beaverton, OR 97005

APPLICANT: Starbucks Coffee Company  
2401 Utah Ave, South  
Seattle, WA 98134

APPLICANT'S REPRESENTATIVE: GPD Group  
Tom Conner & Guy Ripley  
520 S Main St, #2531  
Akron, OH 44311

DECISION CRITERIA: Development Code Sections 40.03 *Facilities Review*, 40.15.15.3.C *New Conditional Use*

RECOMMENDATION: **Approval of CU2016-0001 – Walker Road Starbucks Extended Hours**, subject to conditions identified at the end of this report.

### Key Application Dates

Application	Submittal Date	Submittal Complete	Final Written Decision Date	240-Day*
CU2016-0001	April 4, 2016	May 23, 2016	September 20, 2016	January 18, 2017

\* 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 Starbucks operates out of an existing building with a drive-thru facility.	
<b>Site Size</b>	Approximately 0.23 Acres	
<b>NAC</b>	Five Oaks/Triple Creek	
<b>Comprehensive Plan</b>	<p><b>Land Use:</b> Corridor</p> <p><b>Street Functional Classification Plan:</b> SW Walker Road is classified as an Arterial. SW Schendel Avenue is a Local Street.</p> <p><b>Pedestrian &amp; Bicycle Master Plan and Action Plans:</b> Existing sidewalks and bicycle lanes are shown SW Walker Road and sidewalks are shown along SW Schendel Avenue.</p>	
<b>Surrounding Uses</b>	<p><b>Zoning:</b></p> <p><u>North:</u> Community Service (CS)</p> <p><u>South:</u> Community Service (CS)</p> <p><u>East:</u> Community Service (CS)</p> <p><u>West:</u> Community Service (CS) / Urban Medium Density (R2)</p>	<p><b>Uses:</b></p> <p><u>North:</u> Commercial</p> <p><u>South:</u> Commercial</p> <p><u>East:</u> Commercial</p> <p><u>West:</u> Commercial / Apartments</p>

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**EXHIBITS**

**Exhibit 1.**

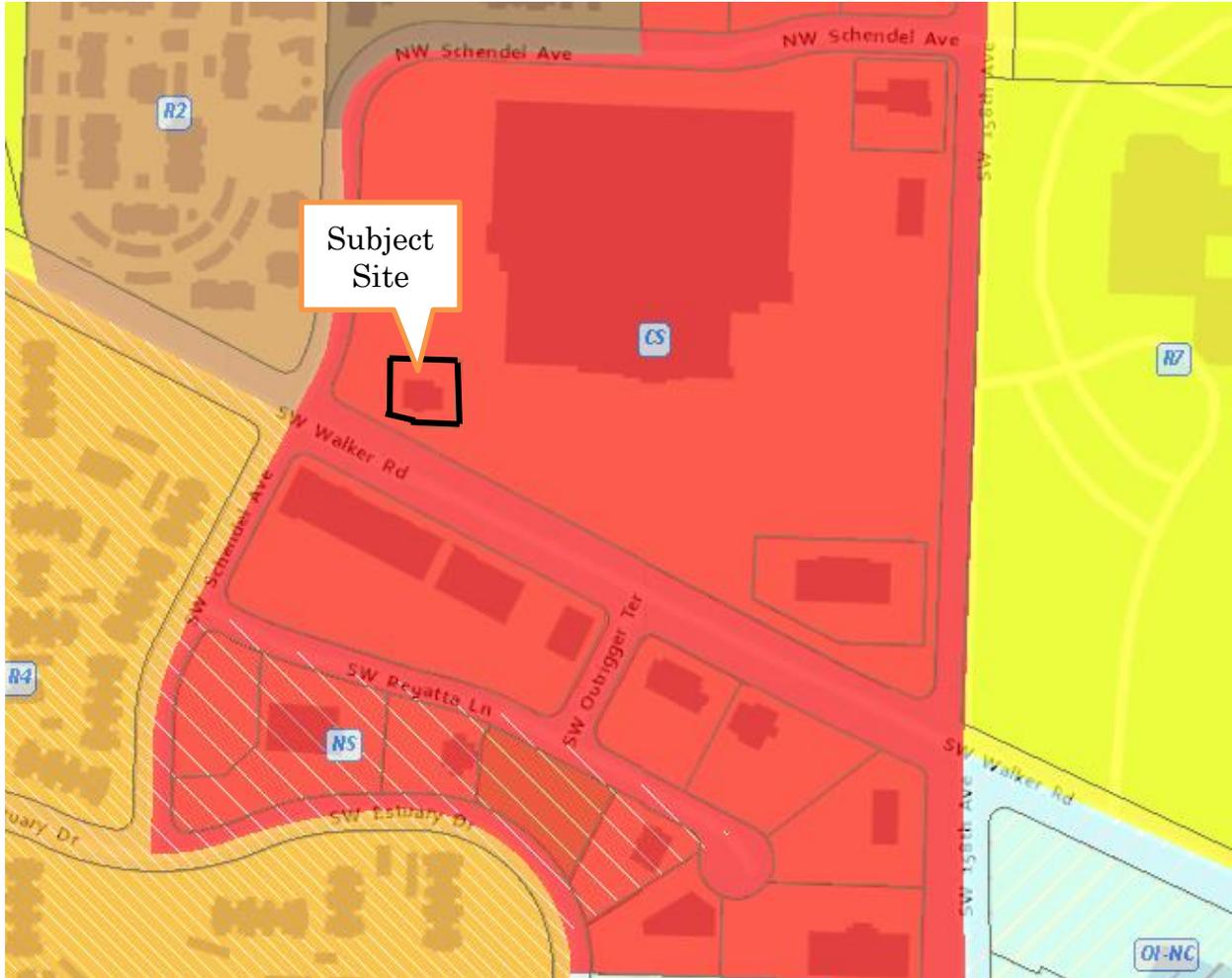
1.1	Zoning Map	SR-4
1.2	Aerial Photo	SR-5

**Exhibit 2. Public Comment Received**

None Received

**Exhibit 3. Materials Submitted by Applicant**

# Zoning Map



**Walker Road Starbucks Extended Hours  
CU2016-0001**

**Aerial Map**



**Walker Road Starbucks Extended Hours  
CU2016-0001**

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
Walker Road Starbucks Extended Hours  
(CU2016-0001)**

**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:**

- 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.***
- 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.***
- 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).***
- 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.***

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

The Facilities Review Committee finds that the proposal is limited in scope to extended hours of operation specific to one tenant already in operation in an existing building. No physical changes to the existing building or site are proposed, and as such, complies with all the technical criteria.

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

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 20.10.20 (Community Service)</b>			
Use- Conditional	Hours of operation between 10:00 pm and 7:00 am within 500 feet of residentially zoned property.	The applicant proposes hours of operation for a coffee shop between the hours of 4:00 am and 11:00 pm.	Yes, if approved
<b>Development Code Section 20.10.15 (Community Service)</b>			
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**

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Chapter 60</b>			
Standards related to physical development.	Requirements for new development and redevelopment.	No exterior or site changes are proposed.	N/A

**ANALYSIS AND FINDINGS FOR  
CONDITIONAL USE APPROVAL  
Walker Road Starbucks Extended Hours  
CU2016-0001**

**Section 40.15.15.3.C. 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.***

Development Code, Section 40.15.15.3.A, Threshold #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 a coffee shop at 16175 SW Walker Road. The applicant requests to operate from 4:00 a.m. to 11:00pm every day.

Uses operating between 10:00 p.m. and 7:00 a.m. within 500 feet of an existing residential use on a residential zoned property in the Community Service zoning district require a conditional use permit. The coffee shop is located in the parking lot of a Fred Meyer store with an existing drive-thru. No physical improvements are proposed in conjunction with this request for extended hours of operation.

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

**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 for a Conditional Use application.

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

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

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

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

Policy 8.4.1.a reads as follows:

*Policy 8.4.1.a Noise impacts shall be considered during development review processes.*

The proposal is to extend the hours of operation for a coffee shop in a commercial development approximately 200 feet from residential development. The applicant states that the parcel is an island location in the Fred Meyer shopping center which has year round landscape elements along public streets. The closest adjacent residential uses are apartments located across SW Schendel Avenue from the coffee shop. In addition to the public street, the coffee shop is separated from the street by a wide landscape strip, parking stalls and drive aisle areas.

The applicant states that the drive-thru equipment utilizes automatic volume control in the speakers to help mitigate additional ambient noise. Staff finds that the location of the coffee shop, in the parking lot of a large commercial store, along Walker Road, and across the street and parking area from adjacent residential uses is sufficient to ensure that noise impacts to the surrounding neighborhood are minimal during the proposed drive-thru and store hours of operation from 5:00 a.m. to 10:00 p.m. Staff recommends a condition of approval limiting the drive-thru hours to those previously stated.

**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 proposal is for extended hours of operation only, no physical development is proposed in association with this requested Conditional Use. The coffee shop occupies a currently developed site which previously housed a restaurant with a drive-thru. A separate DRCL was issued on February 12, 2016 in association with the conversion to the coffee shop which covered landscaping and drive-thru equipment.

Staff concludes that natural and man-made features on the site are adequate to accommodate the proposal which is limited to extended hours of operation. There are no proposed changes to the site from what has been previously approved.

**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.***

The coffee shop is located in a building which was previously a restaurant, as shown in the findings related to condition of approval 3, the noise impacts to the nearby residential neighborhood will be minimal. In response to Criterion No. 5, the applicant

states that there is an existing walk-in only Starbucks location within the same shopping center and that neighborhood feedback has been almost exclusively positive regarding providing a drive-thru that is open early enough to accommodate morning commuters. As the site is adjacent to a busy street, SW Walker Road, and separated from residential areas by streets, landscaping and parking areas, staff finds that the proposed extended hours of operation will have minimal impact on the livability and appropriate development of properties in the surrounding area.

**Therefore, staff finds that 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 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 **CU2016-0001 (Walker Road Starbucks Extended Hours)** subject to the conditions of approval identified in Attachment C.

**CONDITIONS OF APPROVAL  
Walker Road Starbucks Extended Hours  
CU2016-0001**

**CU2016-0001 New Conditional Use Application:**

1. Hours of operation for the coffee shop, located at 16175 SW Walker Road shall be limited to between the hours of 4:00 a.m. to 11:00 p.m. (JF/Planning)
2. Drive-thru hours shall be limited to the hours of 5:00 a.m. to 10:00 p.m. (JF/Planning)