



## STAFF REPORT

HEARING DATE: November 9, 2016

STAFF REPORT DATE: November 2, 2016

TO: Planning Commission

STAFF: Scott Whyte, Senior Planner <sup>SW</sup>

PROPOSAL: **B-Fit Gyms Extended Hours of Operation  
(Case File CU2016-0010)**

LOCATION: 8235 SW Apple Way, Tax Lot 1000 on Washington County  
Tax Assessor's Tax Map 1S1-13BC

SUMMARY: The applicant requests Conditional Use approval for extended hours of operation associated with a health club. In the Community Service 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 24 hours a day for seven days a week.

PROPERTY OWNER: Commerce Properties  
Attn: Malcolm McIver  
1000 SW Vista Avenue, Suite 114  
Portland, OR 97205

APPLICANT: Mackenzie  
Attn: Michael Chen  
1515 SE Water Avenue, Suite 100  
Portland, OR 97214

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 CU2016-0010 (B-Fit Gyms Extended Hours  
of Operation)**, subject to conditions identified at the end of  
this report.

## BACKGROUND FACTS

B-Fit Gyms proposes full use of the existing building addressed at 8235 SW Apple Way. This is the same building once occupied by Walmart and Zupan's Market. The building is currently vacant. There is no proposal to expand existing floor area of this building. There is also no proposal to modify existing parking, access or landscaping on the subject property. Interior modifications of the building (tenant improvements) are proposed but the building exterior will remain the same.

In 2012, the Planning Commission approved the Conditional Use proposal by Walmart at the same location. Attached for consideration is the Notice of Decision issued for Walmart Extended Hours of Operation (City Case File CU20112-0003, **Exhibit 2**).

### Key Application Dates

Application	Submittal Date	Submittal Complete	Final Written Decision Date	240-Day*
<b>CU2016-0010</b>	August 23, 2016	September 14, 2016	January 12, 2016	May 12, 2016

\* 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 subject property is comprised of two buildings, approximately 25,000 square feet and 7,000 square feet, and associated parking and landscaping. The applicant will occupy the larger building. The small building is occupied by a dry cleaner and chiropractic clinic, and is not subject to the proposal for extended hours of operation.
<b>Site Size</b>	Approximately 2.95 Acres
<b>NAC</b>	Denney Whitford/Raleigh West NAC
<b>Comprehensive Plan</b>	<p><b>Land Use:</b> Corridor</p> <p><b>Street Functional Classification Plan:</b> Beaverton Hillsdale Highway is classified as an Arterial; Laurelwood Avenue is classified as a Neighborhood street. SW Apple Way is a Local Street.</p> <p><b>Street Improvement Master Plan:</b> The Transportation System Plan Street Improvement Master Plan does not identify street improvements in the vicinity of the subject site.</p> <p><b>Pedestrian &amp; Bicycle Master Plan and Action Plans:</b> The Pedestrian Action Plan identifies existing sidewalk facilities along Beaverton Hillsdale Highway west of Laurelwood Avenue, and a gap in the sidewalk system on the north side of Beaverton Hillsdale Highway between Laurelwood and 78<sup>th</sup> Avenue. The Bicycle Action Plan identifies the addition of bicycle lanes along Beaverton Hillsdale Highway, from Highway 217 to the Multnomah County boundary.</p>

<b>Surrounding Uses</b>	<b>Zoning:</b> <u>North:</u> Office Commercial (OC), R7, and Washington County R-5	<b>Uses:</b> <u>North:</u> Beaverton Hillsdale Hwy, bank, coffee drive-thru, residential to the northeast
	<u>South:</u> Community Service (CS), R2 and R7 further south	<u>South:</u> Attached and detached residential
	<u>East:</u> Washington County CBD, R-24 and R-25+; R5 and R7 further southeast	<u>East:</u> Retail, attached and detached dwellings
	<u>West:</u> CS	<u>West:</u> Service, 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-FR4
<b>Attachment B: Analysis and Findings for B-Fit Extended Hours of Operation</b>	CU1-CU4
<b>Attachment C: Recommended Conditions of Approval</b>	COA1

### **EXHIBITS**

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

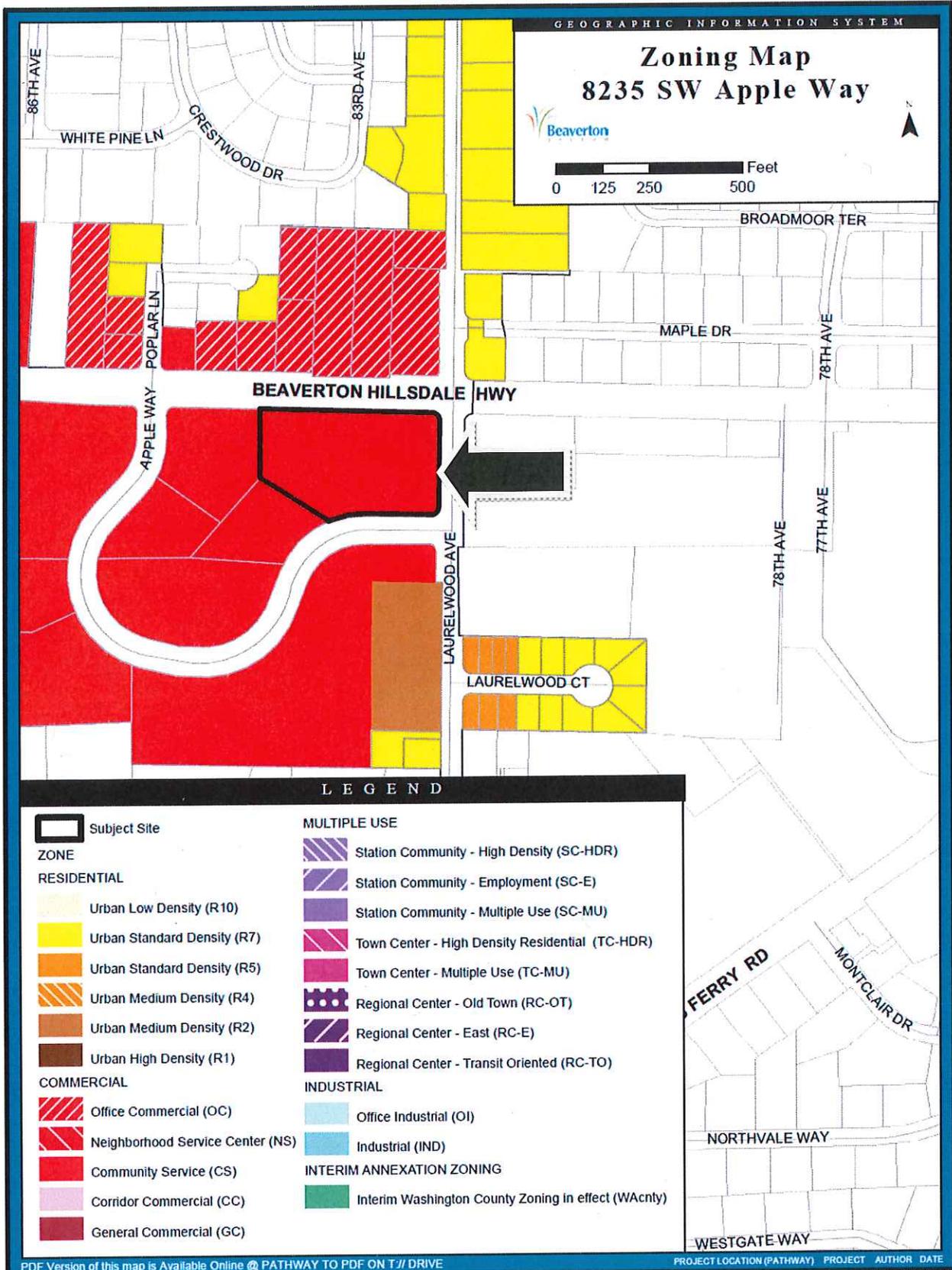
**Exhibit 2. Planning Commission Decision issued for Walmart at this location**

**Exhibit 3. Materials Submitted by Applicant**

- 3.1 Applicant's response to approval criteria and exhibits, dated August 23 2016, prepared by Mackenzie for Conditional Use approval.

**Exhibit 4. Public Comments Received by November 1, 2016**

- 4.1 Email from Doug Wells, 8170 SW Maple Drive, Portland OR 97225





**FACILITIES REVIEW COMMITTEE DRAFT  
TECHNICAL REVIEW AND RECOMMENDATIONS  
B-Fit Gyms - Extended Hours of Operation  
CU2016-0010**

**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. Conditional Use applications are subject to the Facilities Review Committee approval criteria. These approval criteria are 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.**

Facts and Findings in response to the Facilities Review approval criteria:

Staff refer to and incorporate the applicant's written response to the above criteria as provided in the narrative prepared by Mackenzie, dated August 23, 2016, for B-Fit Gyms (pages 7 through 10). Staff also refer to the Code Conformance Analysis table herein for additional findings of support.

The scope of work associated with this request is limited to certain changes within the subject building (tenant improvements). As previously stated, there is no proposal to modify existing parking, vehicle circulation, street accesses or landscaping. There is also no proposal to expand existing floor area of the subject building. Given the limited scope of work associated with this request, staff finds the applicant's response to above criteria to be sufficient and therefore concludes that the Facilities Review approval criteria are satisfied.

**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	Recreational Facilities	The health club 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 detached dwellings in the R7 zone to the north, attached dwellings in the R2 zone to the south, and existing dwellings in the R5, R7 and Washington County R-24 zones to the southeast. 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	2.95 acres	<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 60.25</b>			
<b>Off-Street Loading</b>			
Required Loading Spaces	2 Type B loading berths for 24,001 to 50,000 sq. ft. aggregate floor	Not part of proposal. No change to existing.	N/A
<b>Development Code Section 60.30</b>			
<b>Off-Street Parking</b>			
Minimum Off-Street Vehicular Parking Spaces	<u>Retail</u> 4.3/1,000 SF x 25 = 107 spaces	No changes to existing parking are proposed. Site contains sufficient number of spaces to accommodate the minimum number required for the new use.	Yes
Minimum Off-Street Bicycle Parking	2 short term spaces 2 long term spaces	Less than the requirement of the previous use (retail business at 3 long term /3 short term).	N/A
<b>Development Code Section 60.55</b>			
<b>Transportation</b>			
Transportation Facilities	Regulations for transportation facilities	No changes are proposed to transportation facilities.	N/A
<b>Development Code Section 60.60</b>			
<b>Trees &amp; Vegetation</b>			
Tree & Vegetation Regulations	Preservation for "protected" trees	Not part of proposal.	N/A
Mitigation Requirements for Landscape Tree Removal	1:1 mitigation required based on DBH removed.	Not part of proposal.	N/A
<b>Development Code Section 60.65</b>			
<b>Utility Undergrounding</b>			
Utility Undergrounding	All existing utilities and any new utility service lines must be undergrounded.	Not part of proposal.	N/A

**ANALYSIS AND FINDINGS FOR  
CONDITIONAL USE APPROVAL  
B-Fit Gym Extended Hours of Operation  
CU2016-0010**

**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 associated with a new health club that will locate within an existing building. The applicant's response to Criterion No. 1 refers to past Conditional Use approved by the city for Walmart in the year 2012. The applicant also refers to direction received from city staff in submitting this new application for Conditional Use. In this case, B-Fit is a new use that will occupy the same building formerly occupied by a grocery store use (Walmart). Past Conditional Use approval for Walmart acknowledges a different use of the building with restrictions unique to that use. Staff reviewed the past decision issued for Walmart and determined that a new Conditional Use was appropriate for B-Fit. Staff observes the proposed health club to have different operational aspects than that of a grocery store. If the Commission approves the Conditional Use proposal for B-Fit, staff recommends a condition that acknowledges the past approval for Walmart to be obsolete. By action of the Commission in adopting the recommended condition, there will be no prior Conditional Use approval already in effect.

**Therefore, staff finds that by meeting the conditions of approval, 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 applicant's statement in response to Policy 8.4.1 is found on page five of the project narrative, dated August 23, 2016, by Mackenzie. In response to Criterion No. 3, the applicant refers to the written response provided to Criterion No. 5 which identifies the functional characteristics of the proposal and how it can be made reasonably compatible and have a minimum impact on the livability of properties in the surrounding area. In this case, the proposed gym will operate at a time when many residents of the area are sleeping. For this reason, staff advised the applicant to address potential noise impacts. In short, staff summarizes what the applicant has identified for noise attenuation as follows:

1. Potential noise impacts to residential uses south of the subject property are partially mitigated by the location of patron parking (against the building, at distance farthest from residential).
2. Noise attenuation is provided by existing non-residential buildings located east and north of the property.
3. Noise and visual attenuation is provided by the location of an existing CMU screen wall (for outdoor storage / trash).

4. Noise attenuation is achieved by the location of the B-Fit building which is approximately 15 to 20 feet lower than Beaverton Hillsdale Highway.
5. Dense forested area at approximately 30 feet in width, is located to the south of the site along SW Apple Way that may provide additional noise attenuation.

Staff observes that the nearest residential units are found approximately 120 feet to the northeast and approximately 120 feet to the south, as measured from the nearest property boundary. Staff finds this distance to be significant in considering noise impacts as Policy 8.4.1.a describes. In this case, the applicant has identified two employees working during the hours of 10:00 p.m. and 7:00 a.m. The applicant also anticipates a very low customer turn-out (approximately ten) during the same period. Other activities expected to occur during this period include taking out trash. Staff acknowledges these activities, together with customer activity have the ability to create some noise but the impact to residents in the vicinity should be negligible. Staff observes the existing CMU block wall surrounding the outdoor storage area to provide some noise attenuation. For this proposal staff recommends a condition that acknowledges the use and type of activity expected to occur between the hours of 10:00 p.m. and 7:00 a.m.

**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: The site is approximately 2.95-acres in size and is currently developed with two commercial buildings and associated parking areas on site. The property is fully developed. Natural features on site are limited to landscape plants and trees. 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.

**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: In response to Criterion No. 5, the applicant refers to the scale of operations, including the limited number of employees (2) and patrons anticipated (10) during the period of 10:00 p.m. and 7:00 a.m. The applicant also explains how there will be no group fitness courses scheduled during the extended hour timeframe and that outdoor activity will consist of a limited number of employees and patrons coming and going, disposal of trash and recycling, and operation of the building HVAC.

Staff understands that there will be no truck delivery service to the premises between the hours of 10:00 p.m. and 7:00 a.m. Comparatively, the Conditional Use proposal by Walmart identified one to six deliveries per day to occur between the hours of 5:00 a.m. to 7:00 a.m. For this proposal, there is no restocking of the shelves. The existing building interior will be converted to a gym along with locker rooms and other ancillary services for members. For the reasons stated in response to Criterion No. 3, staff finds 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.

**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 **CU2016-0010 (B-Fit Gyms - Extended Hours of Operation)** subject to the conditions of approval identified in Attachment C.

**RECOMMENDED CONDITIONS OF APPROVAL**

**CU2016-0010, Conditional Use (B-Fit Gyms - Extended Hours of Operation): If the Planning Commission decides to approve the extended hours of operation proposal, staff recommends the following conditions:**

1. Conditional Use approval shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit. This Conditional Use approval for B-Fit Gyms supersedes past Conditional Use approval for a grocery store use at the same location.
2. Conditional Use approval recognizes extended hours of operation between the hours of 10:00p.m. and 7:00a.m for seven (7) days a week, to the area of one building located at 8235 SW Apple Way. During this period, use of gym and health club facilities shall be limited to staff and patrons. No group fitness courses, team games or special events are to occur during this period.

Exhibit 2

**BEFORE THE PLANNING  
COMMISSION FOR  
THE CITY OF BEAVERTON, OREGON**

After recording return to:  
City of Beaverton, City Recorder:  
4755 SW Griffith Drive  
P.O. Box 4755  
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL )	ORDER NO. 2283
TO EXTEND THE HOURS OF OPERATION FOR )	CU2012-0003 ORDER APPROVING
WALMART GROCERY STORE. (APPLEWAY )	APPLEWAY WALMART EXTENDED HOURS OF
WALMART EXTENDED HOURS OF OPERATION. )	OPERATION CONDITIONAL USE.
APPLE WAY MARKET LLC, APPLICANT. )	
)	

The matter came before the Planning Commission on April 25, 2012, and continued to May 16, 2012, on a request for approval to extend the hours of operation for Walmart grocery store. In the Community Service zone, uses operating between 10:00 p.m. and 7:00 a.m. are a Conditional Use when the property is within 500 feet of an existing residential use in a residential zone. The applicant requests 24 hour operation of the use occupying the building. However, business activities between the hours of 10:00 p.m. and 7:00 a.m. would be limited to indoor stocking, cleaning and inventory, employees taking out trash and recycling to outdoor storage areas, collection of shopping carts, trash compactor use, and truck deliveries. The store will not be open to the public before 7:00 a.m. or past 10:00 p.m. There are no physical alterations to the building or site associated with this Conditional Use application. The site is located at 8235 SW Apple Way, and is more

specifically identified as Tax Lot 1000 on Washington County Tax Assessor's Map 1S1-13BC respectively.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

At the April 25, 2012 hearing, the Commission voiced concern over the submitted noise study, specifically under what weather conditions the ambient noise levels were measured. Because the noise measurements took place during wet weather, the applicant offered to continue the hearing to a future date certain to prepare a revised noise study and to measure ambient noise levels at the subject site in dry weather. The Commission agreed to the continuance for the purposes of the applicant submitting a revised noise study.

At the May 16, 2012 public hearing, the Commission considered the revised noise study and found the results of the study to be acceptable. The Commission also amended the conditions of approval included in Staff's Memorandum dated May 9, 2012 in response to staff's request that "parking lot sweeping" be removed from Condition No. 2, as it was included in error.

As a result of oral testimony concerning noise associated with trash compactor use, the Commission further modified Condition No. 2 by limiting the permitted hours of trash compactor use on site to occur between 10:00 p.m. and 12:00 a.m. and between 6:00 a.m. and 7:00 a.m.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated April 18, 2012, and the findings contained therein, and the supplemental staff memorandum dated May 9, 2012, as amended, as applicable to the approval criteria contained in Sections 40.03 and 40.15.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **CU2012-0003** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report dated April 18, 2012, Staff's Memorandum dated May 9, 2012, as amended, and the supplemental findings contained herein subject to the conditions of approval as follows:

1. The Conditional Use permit shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit.

**The applicant or property owner shall continually comply with the following conditions:**

2. Between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week, the following uses and activities are allowed under Conditional Use for the grocery store located at 8235 SW Apple Way:
  - Indoor stocking, cleaning and inventory, taking out trash and recycling materials to storage areas outside the building, and collecting shopping carts from parking lot cart storage areas.
  - Trash compactor use and truck deliveries in single unit trucks with a maximum wheel base of 40 feet are permitted to occur during extended hours only between 10:00 p.m. to 12:00 a.m. and 6:00 a.m. to 7:00 a.m. Between the hours of 12:00 a.m. to 6:00 a.m., all trash compactor use and all truck deliveries are prohibited.

All other uses and activities, including hours when the store is open to the public, are not recognized under Conditional Use approval.

3. The use of outside or exterior paging systems or other methods of amplification are prohibited on site before 7:00 a.m. and after 10:00 p.m., seven (7) days a week.

Motion **CARRIED**, by the following vote:

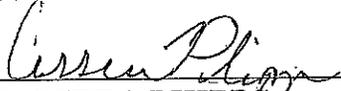
**AYES:** Overhage, Doukas, Fagin, Maks, Nye, and Winter.  
**NAYS:** Stephens.  
**ABSTAIN:** None.  
**ABSENT:** Maks.

Dated this 24<sup>th</sup> day of May, 2012.

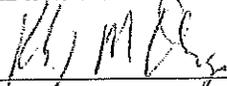
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2283 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton's Community and Economic Development Department's office by no later than 5:00 p.m. on Monday, June 4, 2012.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
\_\_\_\_\_  
CASSERA PHIPPS  
Assistant Planner

APPROVED:

 for Ric Stephens  
\_\_\_\_\_  
RIC STEPHENS  
Chairman

  
\_\_\_\_\_  
STEVEN A. SPARKS, AICP  
Planning Division Manager

Exhibit 4.1

**Scott Whyte**

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**From:** DOUG <doug\_wells@comcast.net>  
**Sent:** Wednesday, October 12, 2016 3:56 PM  
**To:** Scott Whyte  
**Cc:** Wells, Lora; doug wells  
**Subject:** Case CU2016-0010 B-Fit Gyms Extended Hours of Operation

Hi Scott,

Thanks for speaking with me this afternoon and making my comments here a part of the record in this case before the planning commission.

I live at 8170 SW Maple Drive, Portland, OR 97225.  
My phone number is 503-866-2749.

Please do call me if the Nov. 2 hearing date is moved to a different time.

*left message for Doug  
on Nov. 1, @ 3:50  
hearing date changed  
to Nov. 9*

Our house is at the corner of Laurelwood Ave and Beav Hillsdale Highway.  
Lora Wells is my wife. And we have two sons, Jamieson and Spencer, living with us at this house right now.

We also have Lora's sister living with us, in a lower level room.

All our bedrooms are in the back of the house, the south side, facing Beaverton Hillsdale Highway.  
I think we are the last residential group of homes that back up to the highway like this.

Light pollution and noise are a major concern.  
All the residents on Maple Drive would love to have a tall, thick sound wall.

The you you yogurt and wine serving establishment across the highway from us in the Rossi building there are noisy at times.  
If they close at 10:00 pm on work nights = Sunday through Thursday nights, that's much better.  
When they are open later than that it becomes very noisy for us.

Traffic is noisy. So a sound wall is really needed.  
Or perhaps our side of Maple Drive needs to be rezoned commercial so we can move to a more appropriate residential area.

The signage across the street is lit all night and is a problem right now.  
The all white test labs sign is the latest change that makes the problem worse.  
The non-white signs are better because they aren't as bright.

The down lights at the US bank need to stay as dim as possible.  
The added lights for hte buildings to the north of US bank have much taller and brighter lights.  
These are a problem as they illuminate our home.

There are also deliveries to the you you yogurt and/or wine place across the street, every Tuesday at about 2am.  
This is a problem as the refer truck is very loud, and whenever the truck backs up it is very loud.

These problems will be similar to problems we anticipate if the B-fit gym people at the old Zupans / Walmart extend their hours.

We would prefer they close at 10pm because of the noise and light.  
if open all night, then there will likely be more noise and light problems for us.

The noise will likely be from traffic and people talking.  
Those noises seem to be amplified at night.

Anything you and the commission can do to help slow the decline in the livability of our particular location is appreciated.

Our home may be one of the more impacted.

But all those on Maple Drive and Laurelwood Ave are negatively impacted.

Please vote no to the extended hours.

And please mention our need for a sound wall to others.

And please mention our need for having businesses dim or turn off signage and lights at night.

There should be ways to put motion sensors on lights or have only certain lights on at night.

And a sound wall will help with the traffic noise.

++++

Thank you,  
-Doug Wells

8170 SW Maple Drive  
Portland, OR 97225  
phone 503-866-2749