

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

After recording return to:
City of Beaverton, City Recorder:
12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 2495
ON A CONDITIONAL USE FOR EXTENDED) CU2016-0006 ORDER APPROVING
HOURS OF OPERATION (AG SPORTS BAR)) HYLAND HILLS AG SPORTS BAR EXTENDED
HYLAND HILLS PROPERTIES LLC, APPLICANT.) HOURS OF OPERATION
)

The matter came before the Planning Commission on August 3, 2016, on a request for a Conditional Use approval for extended hours of operation. In the Community Service zone, uses on properties that are within 500 feet of a residential use in a residential zone that operate between 10:00 p.m. and 7:00 a.m. require a Conditional Use. The development site is generally located at the southeastern corner of SW Allen Boulevard and SW Murray Boulevard, and is more specifically identified as Tax Lot 16800 on Washington County Tax Assessor's Map 1S1-21BB.

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.

Physical Improvements. The applicant outlined the physical improvements made to the tenant space since receiving a Code Compliance

complaint in December 2015. The applicant states that an additional layer of gypsum board was added to the southern wall of the tenant space and the indoor speakers have been relocated to the northern wall of the tenant space to attenuate noise. The Commission found that the improvements made contributed to satisfying Criterion 3, meeting Goal 8.4.1.

Rear Parking Lot. Significant discussion centered on activities in the rear parking lots which abut residential properties. The applicant notes that AG Sports Bar has begun the practice of taking out all trash to the south parking lot before 10 pm and to ensure the service door remains closed after 10 pm to limit noise impacts to the neighbors. Additionally, the applicant noted that there are no outdoor speakers or seating areas in rear parking lot. The Commission added conditions of approval prohibiting outdoor seating between 10:00 pm and 7:00 am, prohibiting rear deliveries to the tenant space between 10:00 pm and 7:00 am, prohibiting outdoor amplified sound systems between 10:00 pm and 7:00 am, and prohibiting use of the southern door between 10:00 pm and 7:00 am except in emergency situations. The Commission found that these conditions would contribute to satisfying Criterion 3, meeting Goal 8.4.1., and Criterion 5, showing the proposal is The applicant acknowledged ongoing issues with transient populations using the rear parking lot, and has a contract with a private security firm to visit the site three times per night in order to deter car camping and dumpster rummaging. The applicant also stated that five signs have been installed stating that no AG Sports Bar patrons should park in the rear lot after 10:00

pm. The Commission inquired if the rear parking lot could be fully closed off after 10:00 pm. The applicant stated that the adjacent Safeway has a crossover easement for truck deliveries, and that employees rely on the use of that parking lot. The Commission added conditions of approval requiring additional signage in the entirety of the parking lot, limiting parking from 10:00 pm to 7:00 am for employees only, and the installation of signs on the dumpsters stating "No Trespassing." The Commission found that these conditions would contribute to satisfying Criterion 3, meeting Goal 8.4.1., and Criterion 5, showing the proposal is reasonably compatible with the neighborhood.

The Commission asked the applicant to respond to a piece of written testimony from the owner of the apartment complex to the east, who complained about trespassing and fence damage from people coming onto the apartment complex property through the rear parking lot of the shopping center. The applicant proposed to construct a new fence along the shared property line between the shopping center and the apartment complex to the east. The Commission added the construction of this fence as a condition of approval.

Sound Study. A sound study provided by the applicant, which measured ambient noise levels along the southern property line was discussed. The study measured decibel averages across the site throughout the evening on several days, and reported a range of 47-50 decibels. The applicant stated that the data was collected by members of the AG Sports

Bar staff while the bar was in operation, however, the measuring devices were not calibrated, no assistance by an acoustical engineer was provided, nor were the weather conditions reported.

Public Testimony. Those in support contended that the use properly serves the site and the surrounding neighborhood, and the applicant has made great strides in minimizing impacts to neighboring properties. Those who testified in opposition focused on the late night hours proposed and potential noise nuisance impacts, though one neighbor stated that the noise impacts have lessened notably over the last few months.

Conclusion. The Planning Commission found that the proposal met all of the approval criteria and agreed with the conditions in the staff report, (as amended) that the request was reasonably compatible with the surrounding neighborhood.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated August 3, 2016, as amended, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.15.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **CU2016-0006** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report, dated August 3, 2016, as amended, 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. (SR/Planning)

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

2. Hours of operation for the bar, located at 14342 SW Allen Boulevard shall be 7:00 a.m. to 2:00 a.m. Monday through Sunday. (SR/Planning)
3. Hours of operation for trash removal from the tenant space to outdoor dumpsters on the site shall be limited to between the hours of 7:00 am and 10:00 pm Monday through Sunday. (SR/Planning)
4. The applicant shall install signs throughout the southern and eastern parking lot stating "Employee Only Parking 10pm – 7am All Days".
5. The applicant shall install signs stating "No Trespassing" on all dumpsters in the south and east parking lot.
6. The applicant shall construct a six foot tall fence, vinyl clad, chain link fence with slats along the eastern edge of the parking lot. The applicant shall obtain Design Review approval prior to construction.
7. There shall be no outdoor seating between 10:00 p.m. and 7 a.m.
8. There shall be no rear deliveries to the tenant space between 10:00 p.m. and 7 a.m.
9. There shall be outdoor amplified sound system between 10:00 p.m. and 7 a.m.
10. There shall be no use of the southern door between 10:00 p.m. and 7 a.m., except in the case of emergencies.

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

AYES: Doukas, Winter, Nye, Overhage
NAYS: Kroger.
ABSTAIN: None.
ABSENT: Wilson.

Dated this 15TH day of AUGUST, 2016.

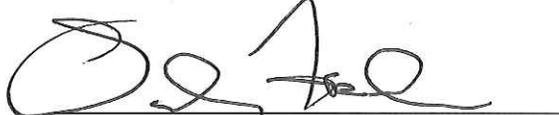
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2495 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on THURSDAY, AUGUST 25TH, 2016.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



STEVE REGNER
Associate Planner



SANDRA L. FREUND, AICP
Planning Manager

APPROVED:



MIMI DOUKAS
Chairman