

**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. 2172
OF A MECHANICAL CAR WASH (CAR MAX CAR) CU2009-0009 ORDER APPROVING
WASH; MAJOR AUTO SERVICE). CAR MAX) CAR MAX CAR WASH; MAJOR AUTO SERVICE
SUPERSTORES, APPLICANT.) CONDITIONAL USE
)

The matter came before the Planning Commission on October 28, 2009, on a request for a Conditional Use approval of a mechanical car wash. A mechanical car wash is one of the activities defined as an Automotive Service – Major by the Development Code. As proposed, the car wash would not be open to the public, but used only by Car Max employees for vehicles on-site. The proposal is submitted as part of a project to construct an auto sales facility on the site of the existing Malibu Grand Prix. The development site is generally located at 9405 SW Cascade Avenue and is more specifically identified as Tax Lot 300 on Washington County Tax Assessor’s Map 1S1-27DA 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.

The Planning Commission conducted a public hearing, noting that there was no public testimony in opposition to the proposed car wash. The Commission concluded that a condition of approval should be adopted to limit the car wash operations to service only on-site inventory vehicles, as a private car wash operated by on-site employees. The Commission also asked staff to clarify whether approval of the car wash would also approve the entire list of major automotive services in Chapter 90. Staff advised the Commission that only the car wash was proposed, and action by the Commission to approve or deny is limited only to the car wash as proposed.

The Commission deliberated as to whether a condition of approval was needed to state that the other activities listed under Automotive Services – Major in Chapter 90 (painting, bodywork, steam cleaning, tire recapping, major engine or transmission overhaul, and repair involving removal of the cylinder head or crankcase), are expressly not approved. After further deliberation, it was determined by a majority of the Commission that it was not necessary to list the major auto services that were not approved, but that a condition would be adequate to state the approval is limited to the operation of a private mechanical car wash only and shall not be construed to approve any other major automotive services on site.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated October 21, 2009

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 CU2009-0009 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 October 21, 2009, as amended, subject to the conditions of approval as follows:

Prior to issuance of the site development permit, the applicant shall:

1. **Ensure that Conditional Use approval has not expired.** In accordance with Section 50.90.1 of the Development Code, Conditional Use approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (JO / Planning)
2. **Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division.** (Site Development Div./JJD)
3. **Submit plans showing that the rainwater from the roof (top level) of the parking garage shall be piped to the approved storm water disposal system (stormwater filters). Drainage from the floors below the top level shall be directed to the sanitary sewer system via an API or CPS-type oil/water separator as approved by the City Building Official. The areas immediately adjacent where precipitation may fall, track, or be blown into the covered parking, car wash, or vehicle service areas, shall be reverse-graded, trench drained, or bermed from other portions of the facility to minimize the amount of stormwater runoff accumulating beneath the cover. The cover overhang is to be measured relative to a berm, trench drain, or pavement Submit plans showing that the rainwater from the roof (top level) of the parking garage grade break. To prevent spills from entering the sanitary sewer system, an automatic or manual shut-off valve shall be installed in the discharge line prior to the connection with the sanitary sewer. Appropriate signs and employee training shall be provided. In addition, appropriate spill response supplies, such as absorbent material, shall be stored continuously on site.** (Site Development Div./JJD)

At all times during operation of the use as approved, the property owner shall observe the following:

4. The use of the car wash shall be limited to dealer owned on-site inventory only.
5. Conditional Use permit approval for the mechanical car wash shall not be construed to permit any other major automotive services on site.

Motion to APPROVE with the above conditions CARRIED, by the following vote:

AYES: Johansen, Bobadilla, and Maks.
NAYS: Winter.
ABSTAIN: None.
ABSENT: Platten and Stephens.

Dated this 6th day of November, 2009.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2172 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 5:00 p.m. on Monday, November 16, 2009.


PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:


JOHN OSTERBERG
Senior Planner


STEVEN A. SPARKS, AICP
Planning Division Manager

APPROVED:


SCOTT WINTER
Chairman