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**Planning Commission
Community Auditorium
1915 Main Street, Forest Grove, OR
Monday, June 17th, 2019, 7:00 pm**

1. CALL TO ORDER:

Chair Tom Beck called the meeting to order at 7:00 p.m. Roll Call:

Planning Commission Present: Tom Beck, Chair; Phil Ruder, Vice Chair; Commissioners Lisa Nakajima, Ginny Sanderson, Sebastian Bannister Lawler, Hugo Rojas, and Dale Smith.

Planning Commission Excused: None.

Staff Present: James Reitz, Senior Planner; Chris Crean, City Attorney; Cassi Bergstrom, Planning Commission Coordinator

2. PUBLIC MEETING:

A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:

None.

B. PUBLIC HEARING:

(1.) File No. 311-19-000006-PLNG –Site Plan and Design Review of a proposed 9,100-square-foot Dollar General retail store and parking

Chair Beck opened the quasi-judicial public hearing at 7:02 p.m., reading the hearing procedures, criteria, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. There were none, and no challenges from the audience.

Chair Beck informed the audience that a great number of emails were received as correspondence, but the development criteria must be followed. Any statements not relevant to the land use criteria will be dismissed.

Mr. Reitz showed the site plan and aerial view of the subject site, explaining the lot line adjustment and Right-of-Way (ROW) dedication required on Gales Creek Road. The zoning map shows the area zoned as Neighborhood Mixed Use (NMU) and this is the first application received for this NMU zoned area.

Vice Chair Phil Ruder inquired as to the prior zoning of that area, and Mr. Reitz responded that it was previously Commercial Planned Development (CPD) for many years, but was re-zoned to NMU in the last two years. Mr. Reitz went on to

explain that retail has migrated east, giving an example of Safeway's previous location on the west side and their migration to where they are located at now.

Mr. Reitz went on to explain that Thatcher Road and Gales Creek Road are under Washington County jurisdiction, and discussions were had with Washington County Land Use and Transportation to determine allowed access from the ROW to the subject site. Conditions of approval require a water quality facility for storm water coming from the site, a pedestrian walkway on-site, and curb/gutter sidewalk at the frontage. A ROW dedication will be required from the county from the 45 foot half street width.

Mr. Reitz explained the truck turning radius needed within the parking lot area for the delivery trucks coming to the site. All maneuvering of the trucks will be happening on site, which is why the parking stalls widths are wider than what the City usually sees.

Mr. Reitz went on to show Commissioners the Intersection Improvement Plan due to the deficiencies within the intersection of Gales Creek Road and Thatcher Road. Currently there are limited pedestrian routes and free flowing, speeding traffic. Mr. Reitz showed the City's conceptual plan to reconfigure the intersection, which the City is determining funding in order to get the project underway for year 2020-2021.

Commissioner Bannister Lawler inquired if the property owners between the intersection of Thatcher/Gales Creek Road and Dollar General will be required to construct sidewalks, and Mr. Reitz responded that they will not be required until development occurs at those other sites.

Vice Chair Phil Ruder wondered how the slowing of traffic westbound will be better due to the intersection backing up when school lets out of class. Mr. Reitz responded that the Transportation System Plan (TSP) showed the level of service at the intersection as average, but at times there can be a rush of traffic.

Mr. Reitz explained to the Commissioners that they are presented tonight with three needs for review: the lot line adjustment, site review, and the design and features of the building architecturally.

Vice Chair Ruder questioned the definition of Neighborhood Mixed Use Zoning district limitation of use and whether this application is located within the village center of a mixed use plan development. Mr. Reitz responded that this is the first application submitted within the NMU zone, which will trigger the mixed use plan development. The application currently is stand-alone as nothing else within that NMU zone has been submitted. Vice Chair Ruder believes the limitation needs to be addressed. Mr. Reitz explained that this is the smallest of the 3 NMU zones located in the City. Chair Beck explained to Commissioners that all the parcels in this area have different ownership, so development by piece meal is how this area

might develop as a neighborhood village unlike the Davidson property owned by one owner.

Mr. Reitz went on to show the architectural renderings of the building, sidewalk/parking lot plan, and landscape plan with staff recommendations for conditions of approval as well as conditions to consider for the project.

Commissioner Bannister Lawler asked what the timeline to sell the lot will be, and Mr. Reitz stated that the owner did not want to proceed until the application is approved.

CORRESPONDENCE:

Mr. Reitz informed the Commission that letters of testimony were received until almost 5 o'clock, and those letters were given out as hard copies as well as emailed out to Commissioners.

APPLICANT:

Steve Powell, Developer, 1410 Main St, Ste C, Ramona, CA 92065:

Mr. Steve Powell came to the front, and explained that properties have been looked at in and around Forest Grove. The property was selected based on demographics and commercially underserved areas. Mr. Powell explained that they met with City of Forest Grove and Washington County Transportation several times.

Mr. Powell went on to explain to Commissioners the distance from the driveway entrance to Dollar General and the intersection of Gales Creek Road/Thatcher Road being approximately 525 feet, and how the entrance to the west was concluded. Mr. Powell stated the conditions required and how the developer plans on meeting these conditions.

Mr. Powell gave his background and explained that architecture is important to them. There are 4 different NMU zones, with a limitation of 25,000 square-foot for commercial making this application under the threshold. The criteria were all looked at, from possibly having an awning and making sure horizontal light trespassing is mitigated. Mr. Powell made a correction to his hours of operation previously stated as being 8am – 9pm, and corrected them to being 8am – 10pm.

Commissioner Nakajima asked about the average sale per customer, and Mr. Powell responded the sale is roughly \$10. Commissioner Rojas asked how many employees Dollar General is expected to hire, and Mr. Powell answered there will be 8-10 employees. Commissioner Bannister Lawler inquired as to when supply trucks offload, and Mr. Powell responded supply trucks come in approximately once a week during off-hours with a shorter truck for this size store.

PROPONENTS:

Tim Schauer mann, PO Box 310, Forest Grove, OR 97116:

Mr. Tim Schauermaun came to the front, stating he is one of the five people who own the two tax lots as part of the Dollar General project, which both tax lots will be sold if the application is approved. Mr. Schauermaun gave the history of the land, and the zoning history since 1970 explaining that the Planning Commission has always tried to have neighborhood commercial of some sort due to that area being underserved. There are eight separate property owners, and it is impossible to get everyone to agree to put it all together for a planned development. Mr. Schauermaun's hope is to get started with this project and the pieces will fall into place for future NMU development.

Mr. Schauermaun went on to say that Dollar General has a business model niche that can survive a small town with low population. Profits from the store will not just go to Tennessee, but local subcontractors are needed for building and maintaining the structure over its lifetime which will create financial spin off for the community. This project meets the zoning conditions within the staff report.

OPPONENTS:

Christopher Wilmeth, 2916 25th Ave, Forest Grove, OR 97116:

Mr. Christopher Wilmeth came to the front, stating to Commissioners that no traffic study was done at this intersection, and the site sits directly between three schools where children will most likely be the pedestrian victims. Mr. Wilmeth went on to state the meeting notes from a community meeting held by the developer prior were exaggerated, misleading, and not accurate, referencing his presence at the meeting and the New Times article released.

Mr. Wilmeth strongly opposes the Commission from approving this application due to the dangerous location and outdated traffic data, and the process should be delayed in order to be completed correctly with accurate and up-to-date information from the applicant.

David Michael Smith, 3322 Knighton Way, Forest Grove, OR 97116:

Mr. David Michael Smith came to the front, stating his concerns with Dollar General and the lawsuits filed against the company, as well as the concern with the lack of a detailed traffic report done. Mr. Smith cited a petition of thirteen local businesses against the Dollar General in Forest Grove and submitted it as part of the record.

Charlotte Lumae, 1904 22nd Ave, Forest Grove, OR 97116:

Ms. Charlotte Lumae came to the front, stating her concerns with Dollar General in regards to the economic and physical impacts of the development that have not been looked at by City Staff. Chair Beck reminded Ms. Lumae that the quality of Dollar General is not a criterion to be discussed.

Ms. Lumae urged the Planning Commission to start requiring economic and physical impact review as part of the application criteria as Dollar General will start syphoning money out of Forest Grove even as a small box store.

Ms. Lumae went on to say the property owners are important in the growth of development in Forest Grove. As a small business owner, Ms. Lumae would prefer her students not getting their first job at a small box store and they need healthy food to eat. It needs to be the Commissioners job to think about the economic and physical impact of development.

Megan Welliver, 1603 A St, Forest Grove, OR 97116:

Ms. Megan Welliver came to the front, stating her husband is a small business owner in Forest Grove along Main Street. Ms. Welliver is opposed to the Dollar General store, citing community safety as her chief concern. The intersection is a high traffic section with limited/no sidewalks making it a dangerous area for children to cross from one of the three schools surrounding the area. Ms. Welliver suggested an up to date traffic study be done, specific to that area.

Ms. Welliver also is concerned about how City Staff is interpreting the zoning, as the zoning suggests a high pedestrian, high density mixed use zone. Foot traffic will now be generated for Plaid Pantry and Dollar General, and the current proposal will not improve pedestrian safety.

Chris Billman, 50984 NW Cox Rd, Forest Grove, OR 97116:

Mr. Chris Billman came to the front, stating his concerns with the lack of definition for a bicycle or a bicycle lane within the City of Forest Grove code. Mr. Billman stated the City needs to enforce the laws regarding bike lanes and sidewalks, and there are a lack of ADA upgrades within the City as well.

OTHER:

None.

REBUTTAL:

Steve Powell, Developer, 1410 Main St, Ste C, Ramona, CA 92065:

Mr. Powell came to the front in rebuttal, stating he appreciates the frustration he hears. The burden is on the property owner in order to update the sidewalks, and as other properties develop the criteria would continue for the dedication of the curb/sidewalk within the right-of-way. Mr. Powell went on to say what is proposed addresses the transportation concerns of Forest Grove and Washington County.

Chair Beck closed the public hearing at 8:35 p.m.

COMMISSIONER DISCUSSION:

Commissioner Bannister Lawler appreciates the community involvement, and wonders about the weather cover condition as an option recommended by City Staff.

Chair Beck informed the audience that the Supreme Court ruled that a city or Commission cannot require a developer to address issues off the property. Chair Beck believes that awnings do not last or look good after time and weather.

Vice Chair Ruder voiced his concerns with the scale of the business going in at the location, and interprets NMU zoning as pedestrian friendly, lower volume traffic retail with a variety of housing types. Vice Chair Ruder views this application more as a commercial project.

Commissioner Nakajima stated her concerns regarding safety at the location due to the schools in close proximity, creating an attractive nuisance.

Commissioner Sanderson questioned if the maximum commercial build-out within the zoning being on a first come, first serve basis. Chair Beck responded the zoning is difficult to develop as a whole because of the various property owners, making it a first come first serve within this NMU zone. The Commission cannot deny the proposal on the grounds that this is a 9,000 square-foot building proposal.

Commissioner Rojas stated there is no grounds to deny the proposal based on the safety issues.

Commissioner Bannister Lawler agreed with Commissioner Rojas, stating he sees nothing that violates the Development Code in approving the proposal.

Chair Beck believes the sentence of “pedestrian safety” within the definition of the NMU zoning makes it part of the criteria in approving the application.

Commissioner Sanderson discussed the point Commissioner Nakajima brought up about the project becoming an attractive nuisance, but wondered if the Commission could deny the application based on what could happen.

City Attorney Chris Crean stated the Commission has to interpret the code with what they believe the meaning is to be, and write accurate findings reflecting that interpretation.

Vice Chair Ruder questioned the definition of the NMU zone defining the type of store being walkable and friendly to the neighborhood, and he does not believe the Dollar General retail store meets that definition. Vice Chair Ruder believes the NMU zone is not the same as the Commercial zone, and does not think the store is proper in that location.

Chair Beck stated that the code does not provide guidance on how to get to the maximum square footage of the stores to be built within the NMU zoning.

Commissioner Bannister Lawler moved to approve file number 311-19-000006-PLNG –Site Plan and Design Review of a proposed 9,100-square-foot Dollar General retail store and parking with staff’s recommended conditions. Commissioner Rojas seconded the motion.

Roll Call Vote on Motion: AYES: Chair Beck; Commissioners Bannister Lawler, Sanderson, Rojas, and Smith. NOES: Vice Chair Ruder; Commissioner Nakajima. ABSENT: None. MOTION CARRIED 5-2.

C. ACTION ITEMS:

None.

D. WORK SESSION ITEMS:

None.

3. BUSINESS MEETING:

A. APPROVAL OF MINUTES:

Commissioner Smith moved to approve the minutes of the June 3rd, 2019 meeting. Commissioner Bannister Lawler seconded. Motion passed 7-0.

B. REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:

None.

C. DIRECTOR'S REPORT:

Mr. James Reitz gave Commissioners an update on the next meeting to be held regarding a variance to a fence.

D. ANNOUNCEMENT OF NEXT MEETING:

The next meeting is scheduled for July 1st, 2019.

E. ADJOURNMENT:

The meeting was adjourned at 8:55 p.m.

Respectfully submitted by:

Cassi Bergstrom
Planning Commission Coordinator