

Council Chambers
7:00 PM, Thursday

A Regular Meeting
of the Planning Commission

July 21, 1983
Newberg, Oregon

Members Present:

John Cach, Chairman
Frank Bowlby
Jean Harris

Greg Moore
Joe Young
Jane Parisi-Mosher (7:14)
Arthur Roberts (7:10)

Members Absent:

Sally Adamson
Roger Veatch (excused)

Staff Present:

Clay Moorhead, Planning Director
Rick Faus, City Attorney
Barb Mingay, Recording Secretary

Citizens Present: 11 Citizens

The meeting was called to order by Chairman John Cach.

Motion: Harris-Moore to approve June minutes as distributed. Motion carried unanimously.

Chair recommends that the agenda be readjusted to hear agenda item B first as the majority of the audience attended for that hearing. The Commission concurred.

Public Hearing B:

Applicant: Bruce Jeremiah/Jeffrey A. Coffman
Request: A request for a Comprehensive Plan Amendment from MDR (Medium Density Residential) to COMM (Commercial) together with a Zone Change from R-2 (Medium Density Residential) to a C-1 (Neighborhood Commercial) zone with a PUD (Planned Unit Development) overlay, for the purpose of establishing a convenience grocery store on a 6,708 sq. ft. lot.
Location: 703 Deskins, N.W. corner of Illinois and Deskins
Tax Lot: 3218DB-3500
File No: Z-4/C-1/83

Staff Report: Staff indicated that copies of the staff report were available for review at the front table. He indicated the site location on a map and reviewed the various types of zones and current uses surrounding the site.

No abstentions were requested and none were given as to the standing of Commission members for this hearing.

Proponent: Bruce Jeremiah, property purchaser/developer, 4920 SW 59th, Portland OR 97221 indicated that he was required to meet Comprehensive Plan requirements on the site and he felt the request did comply with those requirements very well. He indicated that the clientel who would use the store would not interrupt or detract from ordinary commercial store functions. The plans proposed are required to meet special plan requirements established by the City staff.

He indicated his intention is to have a lot of landscaping, no glaring sign, and a small building that would meet all the codes. He further stated that the State of Oregon has granted permission for him to maintain the triangular area surrounded by Deskins, Illinois and College Streets and he intends to improve the area above its present appearance. He stated that congestion would be reduced by having a neighborhood convenience store. A lot of foot and bike traffic would use the store. The location was convenient to Allen Fruit, the State Highway Dept. and local neighborhoods, which would reduce traffic to the downtown area. He indicated that he would put in new sidewalks and curbs. He felt this location was a good, financially feasible location for a business. He further said that over 40 people in the immediate area have signed a petition desiring a convenience store at this location.

Proponent: Jim Burres, realtor, 1217 Pennington Drive, Newberg, said he and his broker did the opinion survey and during the survey found only one resident that he contacted who did not agree that a convenience store should be located at the proposed site. A lot of mobile home residents did sign the petition and many of them are elderly and are in need of such a store. He indicated that an area on Crestview designated C-1 (Neighborhood Commercial) was not accessible due to its being bound up with a development which was currently voided. In addition, it would not be an economically feasible site at this time. He felt the appearance of the proposed structure would be controlled by site review. Landscaping in the triangle area would be combined with the proposed development for an improved neighborhood appearance. The neighborhood appears to be a mixed use area now. The traffic congestion on 99W would also be relieved.

Proponent: Mel Lehman, owner of Dairy Queen, 111 S. Harrison, stated that Mr. Jeremiah would be selling a lot of ice cream, pop, etc. and that the building used to be used as a convenience store. Jaquith Nursery is another commercial business in the area. He felt that the area needed such a store and that if Mr. Jeremiah wished to invest the kind of money required, the community should allow him to gamble on a successful venture.

Cross-Examination of Proponent:

Mr. Jeremiah responded to questions regarding parking in the triangle area by indicating that no parking was planned for the area; the improvement was intended as a beautification measure. He further indicated that operating hours would be 6-11 Monday to Friday with hours for Friday and Saturday being 7-1AM. He indicated that beer and wine sales would occur but expected no policing problems as cooperation from the Police Department has been very efficient. Newberg's comparative size to the number of grocery stores is low as compared to McMinnville, Scappoose and other cities. He felt there was a definite need for additional convenience stores in Newberg. He felt that competition created business, and does not take it away. He felt that the parking lot would be full only during peak periods (commuting hours, holidays, etc.). Most generally the customers averaged 2-4 cars at a time, and 5 spaces are available. He responded to a question regarding pornographic material sales by stating that only items such as Playboy and Penthouse would be available and only from a direct request of the purchaser to the clerk.

Planning Director Moorhead clarified the question regarding the use of the triangle area for parking by stating that no parking would be permitted in that area by either the State or the City.

Mr. Jeremiah indicated that the triangle area would be policed for litter by store personnel and that a dumpster behind a fenced area at the store would adequately care for store needs.

J. Welliver, Rt.1 Box 304, McMinnville asked if there were going to be many video games at the site? Mr. Jeremiah indicated that a decision has not yet been made but there is a 50/50 chance there will be games in the store.

Phil Smith, 507 N. College, Newberg asked if there had been any discussion regarding crosswalks. Mr. Jeremiah indicated that he would request a crosswalk between the triangle area and the store and was willing to pay for the crosswalk. Staff indicated that the applicant would need to do the initial installation and the City would maintain the crosswalk if one were required.

Opponent: Phil Smith, 507 N. College, Newberg indicated he had not heard about the hearing until Wednesday and had spent 2½ hours discussing the issue with neighbors. He had obtained 43 signatures of people in the north Newberg area who did not feel the application should be granted due to no public need and a detractonfrom a historic neighborhood. He is concerned about how the neighborhood would be impacted. He indicated that there are 4 convenience stores already in Newberg. He found only 1 elderly person who was in favor of the store. He stated the store would have higher prices as it was a convenience store. He is concerned about what the store would look like, the safety of the store, congestion caused by the store and especially the public need. He thinks there is sufficient support in the neighborhood to oppose the zone change request and requests the Planning Commission to continue the hearing to next month's Planning Commission so that additional support could be obtained.

Opponent: Arietta Trunk, 1118 N. College, indicated her concern about the children who travel up and down College. She felt the number would increase with the store, creating a bigger litter problem than there currently is. She stated that the Park had a lot of late weekend use and with liquor availability to park users, additional problems could be caused. She feels the traffic congestion is caused by truck and other traffic and not just by local residents.

Opponent: Marilyn Jackson, 615 N. College, interviewed some of the older people in the area. She indicated the opinion was that the biggest benefit to the neighborhood would be to get rid of the motorcycle shop.

Questions to Opponents:

Mel Lehman asked Mr. Smith if his house was currently for sale. Mr. Smith indicated that it had been on the market, was not now currently for sale but would again be placed on the market Friday. Mr. Smith indicated however that his position was being taken due to his opinion that there was no current public need for the store. He further answered questions regarding his objections by indicating that he desired to see no further commercial uses in the area.

Mr. Jeff Coffman, 703 Deskins, current owner/applicant asked M. Jackson what problems appeared to be caused by the bike shop operations. She indicated that prior to her residence in the neighborhood, late hours had been kept by the shop and numerous bikes were visible. This occurrence had been related to her by her neighbors as having taken place a year ago or more.

No public agencies voiced objections or stated any conflict with the proposal.

Newberg Engineering Department comments were read into the record.

No letters were received; however the opponent, Mr. Smith presented a petition, Opponent's Exhibit A into the record. Applicant's petition Exhibit A had been attached to his application and was distributed to Planning Commission members for their review.

Proponent Rebuttal: Bruce Jeremiah indicated that not everyone south of the railroad tracks had been notified by direct contact of the applicant because the City requirements did not indicate contact requirements for people at that distance. He further felt that traffic would lessen. He felt the need for this kind of store in this area was apparent and that normally customers who purchased items at a convenience store did not consider price a deterrent.

Jim Burres further indicated that the M-1 areas south of the railroad tracks were not a prime use area for a store. The area to the north of the store was not yet fully developed and those homes would be users of the facility. Real estate values would not be impacted by this store.

Opponent Rebuttal:

Phil Smith stated that the number 1 issue was whether there was a need for a grocery store in the area. The livability of the neighborhood was questioned. He thinks a delay of the hearing would allow a more correct decision on the matter.

Arietta Trunk indicated her agreement that a convenience store would look better than the present use of the land and that property values are not the main issue. There is a need for a traffic impact study to be done. She felt that the plans for College Street need to be changed.

Motion: Greg Moore to revert back to item 6 of the public hearing procedures. Moore withdrew the motion for lack of a second.

Motion: Roberts-Moore to delay the hearing on this matter for one month.

Discussion on the motion:

Staff indicated that the site had been a commercial use for a long time, but was now zoned R-2 (Medium Density Residential). The current use is a home occupation and is in compliance with city regulations. He elaborated on the location of the tract of land in Coppergold which is identified as C-1. He stated that the Comprehensive Plan identifies that area as having convenience commercial uses located near the intersection of College and Mountainview.

Mrs. Harris stated that the question to consider should be whether or not there was a need for a convenience commercial store in this area.

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Staff identified that no capital improvement project was planned and no funding was available for improvement of College Street at this time.

Vote on Motion: (to continue hearing)

Aye: Bowlby, Moore, Roberts--Nay: Cach, Harris, Parisi-Mosher, Young.
Motion failed 4-3.

Staff Recommendation:

Planning Director Moorhead entered a 1981 traffic report into the record and reviewed several of the goals and policies pertinent to the request. He further summarized several of the findings of the staff report and indicated that the area was also a prime location for residential homes. He added that there did appear to be a general public need for the establishment of a neighborhood convenience grocery store to service localized neighborhoods within the north Newberg area. He indicated that a decision could be made for or against the proposal by the Planning Commission.

Public Hearing Closed.

Motion: Harris-Young to recommend to City Council approval of the zone change, Comprehensive Plan amendment together with a PUD overlay based on Staff report findings 1-6 and Conditions 1-8.

Amendment to Motion: Harris-Young to add the following statements to staff finding no. 4:

1. Such use would contribute to a reduction of traffic to Highway 99W.
2. There are currently no other appropriate locations for grocery stores in that area.
3. The request would comply with the Comprehensive Plan policy relating to providing a mixture of compatible uses in close proximity to each other.
4. The site is located on a major arterial route.

Amendment to Motion carried by a unanimous voice vote.

Additional Amendment to Motion: Moore-Bowlby to include Condition 9 to the above recommendation:

9. Applicant agrees to install any necessary painted crosswalks, as needed, to be decided by the Traffic Safety Committee.

Amendment to Motion carried by a unanimous voice vote.

Vote on Main Motion: Aye: Bowlby, Cach, Harris, Moore, Young--Nay: Parisi-Mosher, Roberts. Motion carried 5-2.

Planning Director Moorhead identified the appeal procedure. He further indicated that the City Council would hold an open public hearing on the matter at their regular August 1 City Council meeting.

Motion for a 5 minute recess carried unanimously.

Public Hearing A:

Applicant: City Of Newberg
Request: An amendment to the Newberg Comprehensive Plan (Transportation Element) to include long and short range policies together with proposed transportation routes relating to the rerouting or bypassing of Highway 99W through traffic in or around the City of Newberg
File No: G-6-83, Continued

Planning Director Moorhead reviewed the previous discussions of the Planning Commission relating to a tentative route and indicated the route discussed on a map. He further indicated that the City of Dundee and Yamhill County are both aware of the City of Newberg's review of a bypass proposal. A video tape taken of the tentative routes discussed was viewed by those present.

Commissioner Roberts stated that the criteria for design of the route and its construction should include a consideration for aesthetic appeal. Commissioner Harris indicated that during prior Council discussions (1974) the philosophy of the Council appeared to be that any plans were general and didn't have to be followed exactly. Commissioner Cach commented that the Mayor appeared concerned that no site specific route be identified until support from the State, County and City of Dundee was apparent. He further stated that the route identified by the Planning Commission appeared to be located in a similar area as a bypass route already identified in the County Comprehensive Plan.

Commissioner Harris questioned whether this route passed the Pulp Mill would act as a buffer. It was indicated that sufficient underpasses, fencing and other amenities could allow for development of parks and river access. Comments were made that a northern route around the City using Mountainview Drive as part of the roadway was discarded as not being economically feasible due to land costs along part of the route.

Mel Lehman indicated his surprise that a bypass south of the river was not considered. He felt that a dam could be built with a road across to connect with the St. Paul Champoege road and go on to Donald, eventually connecting with I-5. This would relieve the Tigard, Sherwood, Dundee and Newberg area traffic.

Mr. Cach indicated that an extension of the proposed route connecting with I-5 could be developed which would alleviate Sherwood traffic problems.

Mr. Roberts indicated that Newberg would be better served with a bypass which was a little closer to Newberg and was under the area of influence of Newberg's Comprehensive Plan.

Mr. Lehman felt the tentative route proposed by the Planning Commission would be approved by either the State of Oregon or the Federal government.

Motion: Roberts-Moore to recommend to Newberg City Council that a south bypass route as identified on attached Exhibit A be placed on the Comprehensive Plan Map and addressed in the Comprehensive Plan Text, with one access at the St. Paul Highway interchange and with consideration to be given to aesthetic appeal in design

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and location. Vote on Motion: Aye--Bowlby, Cach, Harris, Moore, Parisi-Mosher, Roberts. Nay--None. Motion carried unanimously.

Hearing Closed.

Old Business. None

New Business.

Motion: Harris-Moore to change Planning Commission meeting time from 7:00 PM to 7:30 PM beginning August 18, 1983. Motion Carried unanimously.

A brief discussion followed relating to the Council/Park Board Meeting August 2.

Motion to adjourn carried unanimously.