

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
December 2, 2019

The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on December 2, 2019 for the purpose of discussing questions on agenda items.

Those present were Commissioners Myra Sherwin, Carlotta Richardson, Wes Koklich, Mary Ward, Lupe Contreras and Chain Nathan Lyon.

Staff present included City Planner Laurel Sweeney and Planning Assistant Cassidy Harris.

Citizens that were present are as follows: Manoj (Mike) Mungra, 5476 Mallard St., SE Salem Oregon, 97206 and Ankit Mungra Sr., 629 S. Main St.

No members of the press were present.

No action was taken.

The study session adjourned at 6:59 p.m.

The Planning Commission meeting was called to order on Monday, December 2, 2019 in the Albee Room of the City Library, 8 SW 8th Avenue Milton-Freewater, OR 97862 at 7:00 p.m. by Chair Lyon.

Commissioners Present: Chair Nathan Lyon, Commissioners Myra Sherwin, Carlotta Richardson, Wes Koklich, Mary Ward, and Lupe Contreras were present. Commissioner Frank Millar was absent with an excused absence.

Staff Present: City Planner Laurel Sweeney and Planning Assistant Cassidy Harris were present.

Citizens Present: Manoj (Mike) Mungra – 5476 Mallard St., SE Salem Oregon, 97206; Ankit Mungra Sr. – 629 S. Main St.; Barbara Walter – 904 Ward St. Milton-Freewater; Mandy Rood – 905 Ward St. Milton-Freewater; Tim and Jaque Reger – 211 NE 9th Milton-Freewater; Tom Bland – 901 Ward St. Milton-Freewater.

The minutes of the November 4, 2019 meeting were approved as written.

Citizen Concerns: None shared.

The application that was continued from November 4, 2019 was then considered from Donald Evans for a Comprehensive Plan Map and Zoning Map change for 1.12 acres, located 203 and 307 NE 8th.

The rules for a public hearing were read by Chair Lyon. No members of the Commission abstained or disclosed ex parte contact. No audience member objected to any commissioners' right to participate in the public hearing. City Planner Laurel Sweeney stated that the notice of the hearing was published as required by law. Four written comments have been received at the Planning office and were distributed to the Planning Commission.

City Planner Laurel Sweeney provided the staff report, which is printed below.

I. BACKGROUND/SITE DESCRIPTION

The applicant, Donald Evans currently owns approximately 1.12 acres located on NE 8th. NE 9th Ave abuts the site to the north. To the west is Ward St, south is NE 8th Ave, and the Little Walla Walla River to the East. The majority of the site is vacant. Land use beyond the bordering streets of the site includes residential to the north, vacant to the west, River to the east and a combination of residential and industrial to the south. The site is presently mapped Residential by the Milton-Freewater Comprehensive Plan and R-3 by the Milton-Freewater Zoning Map.

The application is to amend the Comprehensive Plan map and Zoning map, in support for a convenience store that may include wine sales and gas pumps. A site plan was not submitted as part of the proposal, but would be required prior to issuance of a zoning permit if the request is approved.

Four letters of opposition have been received in the Planning Office from adjacent property owners. They are attached to this report.

II. APPLICABLE COMPREHENSIVE PLAN PROVISIONS

Goal 10 Housing

Policy 10-A-3; Sufficient acreage for all needed housing types shall be provided by the R-1, R-2, and R-3 residential zones delineated in the Zone code.

Finding 10-B; Increasing shares of the housing market will need to be met by multi-family, manufactures and other low cost housing types provided for in the R-3 land use zone.

Discussion, Conclusion, and Findings: The subject site is zones R-3 and has infrastructure available to the site. It is bounded on three sides by streets; sewer and water are both available. At this location, the site is ready for subdividing. The City presently has approximately 550 acres in various residential designations available for development. Of that acreage, 34 acres is presently zones R-3. Preserving the available R-3 sites in support of the Policies referenced above implements the City of Milton-Freewater Comprehensive Plan goals and policies regarding housing.

III. APPLICABLE CODE PROVISIONS

Chapter 12: Amendments

10-12-1; An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the City Council, Planning Commission, or by the application of a citizen.

Findings: The amendments were initiated by the property owner Donald Evans, who is a citizen.

10-12-2; Amendments to the text of this Ordinance or to the Zoning Map shall be process under terms of the Level IV procedure in Section 10-3-10.

Findings: The amendments were processed as a Level IV procedure in accordance with this chapter.

10-12-3; In the Planning Commission report to the City Council, and in the City Council's action after review of the Planning Commission's report, the following standards shall be addressed:

- (A) The proposal is in conformance with all applicable provisions of the Comprehensive Plan text and map of land use designations.

Finding: As discussed above, the proposal is not in conformance applicable provisions of the Comprehensive Plan.

- (B) The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

Findings: Based on the discussion above, the Comprehensive Plan of Commercial and zoning of the R-3 designation is more appropriate for the property than a commercial designation.

10-12-4: The City Recorder shall maintain records of text and map amendments.

Findings: As part of City procedure, the appropriate records will be maintained.

IV. GENERAL COMMENT

The Residential designation on the property is in keeping with general area as well as implements the Comprehensive Plan's goals and policies. It is important to retain sites that are Zoned R-3 as there is a shortage of available housing within the City.

V. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend denial of the amendments.

The applicant was then invited to speak.

Donald Evans was absent from the hearing and unavailable for a phone conversation at that time.

All those in support of the application were invited to speak. No one testified.

All those in opposition of the application were invited to speak. Three citizens testified.

Barbara Walter of 904 N Ward St. introduced herself. She stated that she was very disturbed when she received information about what Mr. Evans wanted to do with his property. She explained that she has lived in her house on Ward St. since 1975 and that her neighborhood has been such a great family neighborhood where she has raised all her children. She stated that she is concerned with what will happen to the neighborhood if a convenience store is approved. She was concerned about the increased foot and vehicle traffic in their area. She stated that with approval of this convenience store there would be a rise in criminal activity in their neighborhood. Finally she stated that she feels very strongly in her opposition towards Donald Evans request.

Tom Bland of 901 Ward St. introduced himself. He stated that he has lived at his address since he was eight years old. He stated that his neighborhood is a nice neighborhood and the biggest problem that area has is the high levels of foot traffic that goes through that area. He said that with the approval of a convenience store, it would increase the levels in all kinds of traffic at all hours of the day and night. This would create a major problem and their neighborhood would not be considered peaceful and quite anymore. He stated that this is a residential area and it would be a great place to build more houses.

Jaque Reger of 211 NE 9th introduced herself. She stated that she has lived in the area since 1979. She then stated that the empty lot where Donald Evans is requesting to build a convenience store faces her bedroom window. She began to explain that high foot traffic and cleanliness problems with the irrigation ditch behind that area could eventually bring difficulties to local farmers. Mrs. Reger then stated that she has concern for Neighborhood Grocery, a well-known store on 8th St. Reger stated that if another store is established in that area, Neighborhood Grocery could close down. She finally stated that she is against the proposal of Donald Evans.

The applicant and all those in support of the application were invited to rebut testimony. No one testified.

Chair Lyon asked if the commissioners had any question.

The Public hearing was declared closed.

Commissioner Sherwin made a motion to recommend to City Council denial of the proposal made by Donald Evans and adopt the findings. The motion was seconded by Commissioner Ward. Commissioners Sherwin, Ward, Richardson, Koklich, Contreras, and Chair Lyon voted in favor. The motion carried 6-0.

The Public Hearing was then opened for the consideration of the request from Ankit Mungra for Comprehensive Plan Map and Zoning Map amendments for the property located at 629 S Main St.

The rules for the Public Hearing remained the same as for the last hearing. Commissioner Richardson abstained due to her residing 200 ft. from the subject site. City Planner Laurel Sweeney stated that the notice of the hearing was published as required by law. No written comments have been received.

City Planner Sweeney provided the staff report, which is printed below.

I. BACKGROUND/SITE DESCRIPTION

The subject site has building on it that historically has been used for commercial purposes. According to the applicant, in 1945 the building was designed and operated as a retail storefront for Les Schwab Tires. The last retail use of the building was Les Schwab Tires over 20 years ago. Since that time it has been used as a warehouse. The site front is on Hwy 11. The applicant, Ankit Mungra wishes to change both the Comprehensive Map designation and Zoning on the property so that the existing building can be remodeled for a convenience store.

The applicant is Ankit Mungra, representing Fast Mart, a family owned chain of convenience stores. Currently, they have 7 locations in Oregon and are in the process of opening another location. They are interested in purchasing the subject site and

investing \$500,000 in the building renovations. The outside will be updated, parking area re-paved and inside of the store completely remodeled.

The subject property consists of approximately 9,250 square feet and is bordered by Hwy 11 on the west, SE 7th Ave to the south, an alley to the east and a single family home to the north. It is presently used as a warehouse. The site is entirely surrounded by Main Street Residential (MSR) zoning. It is presently mapped Commercial by the Milton-Freewater Comprehensive Plan and MSR by the Milton-Freewater Zoning Map.

II. APPLICABLE COMPREHENSIVE PLAN PROVISIONS

Goal 9 Economy: Goal 1: To actively pursue economic development and growth that will diversify and strengthen the mix of economic activity in the local marketplace and provide employment opportunities for local residents.

Policy 2-2: The City of Milton-Freewater recognizes that the expansion and/or redevelopment of existing employment sites is often more challenging than the development of vacant sites and shall consider ways to encourage the expansion and/or redevelopment of exiting employment sites.

Discussion, Conclusion, and Findings: The applicant is proposing a new business (convenience store) within the City limits. The applicant is proposing to reuse an existing building that has been underutilized or vacant for many years and was historically used for commercial purposes. The proposed use of a convenience store will provide new employment opportunities. When considering these three facts, the request is in support and will further Goal 1, Policy 2-2 of the Comprehensive Plan.

III. APPLICABLE CODE PROVISIONS

Chapter 12: Amendments

10-12-1: An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the City Council, Planning Commission, or by application of a citizen.

Findings: The amendments were initiated by the applicant, who is a citizen.

10-12-2: Amendments to the text of this Ordinance or to the Zoning Map shall be processed under terms of the level IV procedure in Section 10-3-10.

Findings: The amendments were processed as a Level IV procedure in accordance with this chapter.

10-12-3: In the Planning Commission report to the City Council, and in the City Council's action after review of the Planning Commission's report, the following standards shall be addressed:

- (A) The proposal is in conformance with all applicable provisions of the Comprehensive Plan text and map of land and use designations.

Findings: As discussed above, the proposal conforms with applicable provisions of the Comprehensive Plan.

- (B) The proposed address a need which was improperly or inadequately addressed by the present ordinance text or map.

Findings: Based on the fact that the building has been in existence for 65 years, allowing continued commercial use is more appropriate than changing to another designation. The structure will be renovated and updated and will provide a retail use for the community, thus supporting redevelopment goals.

The site is located on a heavily used transportation corridor, Highway 11. The noise that is generated as a result of the vehicles on the road make the site a bit less desirable for a residence.

10-12-4: The City Recorder shall maintain records of text and map amendments.

Findings: As part of City procedure, the appropriate records will be maintained.

IV. GENERAL COMMENT

The Commercial designation is an appropriate designation for this property based on the applicant's development intentions for redevelopment/reuse of the site.

V. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the amendments.

The applicant was then invited to speak.

Mike Mungra, 5476 Mallard St. SE Salem, OR 97206, stated that he would be speaking for the applicant and his nephew Ankit Mungra. He began to talk about the multiple chain convenience stores the applicant owns around Oregon. He stated that the businesses do well. Mungra stated that the existing building needs some cosmetic work done on the inside. Installing a cooler, putting in new countertops, painting, and re-paving their parking lot were some examples Mungra provided of what needs to be fixed at the location. He stated that was not a lot of structural work that would need to be done, but some electrical work would be needed.

Chair Lyon asked if the Commission had any questions.

Commissioner Sherwin asked if the hours 4 am to 11 pm are the correct proposed business hours. Mike Mungra then stated that the business hours will depend on the customer needs. He stated that the store would possibly be open from 5 to 6 am to 11 pm or midnight. Ms. Sweeney confirmed that the business would not be a 24 hour store. Mungra stated that the business would not be a 24 hour store unless the town needed it to be.

Commissioner Koklich asked if the business plans to have a drive through window. Mungra answered that it could be a possibility, but there are no plans for it. Commissioner Koklich then asked how long it would be before the grand opening of their business. Mungra replied that they would hopefully be opening by the first week in May or June of 2020. Commissioner Koklich then asked if this business is going to have access to gas? Mungra then replied that there was no room if they plan to repave their parking lot.

Commissioner Richardson stated that she sees a potential issue with the Presbyterian Church across the side street, because they often use the subject site as parking. Mungra replied that he heard from his broker that the Church is excited to see something go into the abandoned location. Mungra stated that on Sunday's if their business isn't too busy then some vehicles could use their parking lot. We will work with them if necessary he stated.

Chair Lyon invited anyone in favor of the proposal to speak. No one testified.

Chair Lyon then invited anyone opposed of the proposal to speak. No one testified.

Chair Lyon asked if any of the Commissioners has any more questions.

The Public Hearing was declared closed.

Commissioner Ward motioned to recommend approval to City Council as stated in the Staff Report and to adopt the findings. The motion was seconded by Commissioner Sherwin. Commissioners Ward, Sherwin, Contreras, Koklich, and Chair Lyon all voted in favor. Motion carried 6-0.

City Planner Laurel Sweeney presented the Administrative Actions of the Planning Department. She stated that Thursday, December 5th, she will be meeting with a consultant that was selected to work on the market assessment on the shared wine production facility. The consultant is from California. She stated that The City had gone out for RFQRP and there were seven different firms that had responded. Those firms were scored and this was the consultant team that was selected. The first phase that is needed to be done is a market assessment, while the second phase would be creating a design concept.

Commissioner Koklich asked if there would be a meeting that discusses what the company is proposing with visual plans.

Ms. Sweeney replied stating that once the work had been done, the company might be presenting their information to City Council. She stated that once there is more information available, she would be happy to bring that information to the Commission.

Ms. Sweeney continued to inform the Commission about the 2020 business license renewal process happening in the Planning Department and explained how Zoning Permit submissions has slowed down due to the colder winter weather.

Commissioner Koklich then asked how the South Hill Project was coming. Ms. Sweeney stated that there was a meeting before the Thanksgiving holiday with the engineer that is in charge of Key Boulevard Estates. They are at about 75% complete with the drawings. The engineer of record will review the drawings.

Commissioner Sherwin then asked, regarding the Ankit Mungra site property, when Les Schwab was at that location was the area zoned for Residential? Ms. Sweeney replied that the area was zoned commercial but that a zone change had occurred. Chair Lyon then asks when Main Street commercial property sells does it automatically become zoned Main Street Residential. Ms. Sweeney replied that the area is zoned MSR currently.

The meeting was adjourned at 7:55 p.m.