



**City of Dallas
Planning Commission
Council Chambers - City Hall
November 8, 2011 - 7:00 p.m.**

MINUTES

CALL TO ORDER

President Chuck Lerwick called the meeting to order at 7:01 p.m.

ROLL CALL

Commissioners Present: Dave Pederson, Bob Wilson, Carol Kowash, David Shein, and Paul Holstege

Commissioners Absent: None

Staff present: City Attorney Lane Shetterly, Community Development/Operations Director Jason Locke, Planner John Swanson, and Recording Secretary Patti Senger.

APPROVAL OF MINUTES

President Lerwick presented the minutes of the regular meeting of September 13, 2011. Commissioner Robert Wilson made a motion to approve the minutes as presented. Commissioner David Shein seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS

President Lerwick announced this was a public meeting for the site plan review for the expansion of the existing Walmart store #2315-04, located at 321 NE Kings Valley Highway in Dallas, Oregon. He opened the Public Hearing at 7:03 p.m. and asked if any commissioner needed to declare ex parte contact or had a conflict of interest. There was no declaration.

STAFF REPORT:

Jason Locke provided background information regarding the existing Walmart property. He stated that it was approved by the Planning Commission in 1994 for up to 133,000 square feet, and the project was completed in 1995 and consisted of 80,583 square feet. The current

proposal included additional floor area in the front and rear of the store. He added that there would be significant façade improvements as well.

Mr. Locke reviewed the approval criteria listed in the staff report. He stated the development standards had changed three times since Walmart was originally built in 1995. Item 5.2 addressed these changes by attempting to reduce the level of nonconformity in relation to number of parking spaces, interior circulation, and parking lot landscape. Mr. Locke reported public facilities were already on site; however, the water line would need reconfiguration to accommodate fire trucks near the rear of the building. He noted that all prior conditions had and would continue to be met.

Mr. Locke explained that the three main access points to this property were along ODOT maintained facilities. A traffic access impact analysis would have been done if it had been required by ODOT. He added that if there were any indication the expansion would impact the function of their facilities ODOT would not hesitate to require the impact analysis. However, ODOT responded to Walmart and the City that the current permits would not need to be amended and they had no further interest in traffic data, alleviating this requirement.

He summarized that based on staff review all proposed modifications were being done in accordance with the Dallas Development Code and they tried to decrease nonconformity. Staff's recommendation was to approve the site plan proposal with the six conditions of approval.

APPLICANT PRESENTATION:

Greg Hathaway, Attorney, 529 SW Yamhill Street, Suite 235, Portland, Oregon 97204, introduced himself to the Planning Commission. He discussed the key players in the project and who would be speaking during the hearing. The project engineer, Mario De la Rosa of PACLAND, would show the site plan and how the redesign of the parking lot would function better and safer; Charles Jordan, the project architect, would review drawings and elevations. He confirmed that Mike Swenson of the Oregon Department of Transportation (ODOT) worked with the City and Walmart regarding traffic issues. He stated that Jennifer Spall of Walmart Community Relations also worked with the City of Dallas on this project.

Mr. Hathaway commented that the staff report was based on completeness and compliance. He reiterated that Jason Locke determined Walmart had satisfied all of the standards and that Walmart was comfortable with all conditions of approval. He requested the Planning Commission adopt the staff recommendation of approval.

Mr. Hathaway pointed out that Walmart coordinated with ODOT in regards to the access permit. ODOT determined, based upon the proposed expansion, the current permit was satisfactory and nothing more was required, including a traffic analysis. In addition the City Attorney and Mr. Locke determined in a pre-application conference, and now in the record, that they were satisfied with ODOT's decision.

Mr. Hathaway submitted a petition containing 944 signatures in support of the Walmart expansion. He stated if there was opposition tonight he would like time for a rebuttal.

Mario De la Rosa, Project Engineer of PACLAND, 6400 S.E. Lake Road, Suite 300, Portland, Oregon 97222, explained that he was responsible for the site plan on this project and discussed the key revisions. He talked about the changes in the parking lot with new striping and energy efficient lighting. He indicated new landscape upgrades included islands installed on the westerly, the middle, and front areas to prevent cut through traffic. Current landscaping would increase by one quarter of an acre. He explained that the tire and lube express would go away. Loading docks would be relocated to the north to accommodate the full service grocery component. The main entrance would be expanded and shifted to north. He indicated sidewalk replacement along the East Ellendale entrance would be improved and widened as well the bus shelter relocated to the front of the store with a bus pull-out area. He mentioned the seasonal outdoor sales area would be moved to the north side of the building.

Charles Jordan, Dallas, Texas, the project architect for Walmart stated that he had worked with Walmart for 25 years. He indicated the current signage would be replaced at the two main entrances with the new Walmart logo. He redesigned the vestibule to include a recycle center and cart storage. The design included more glass and was similar to other stores around the country with certain elements specifically designed for Dallas. He stated that a brand new wall material made out of recycled fibers would be used since Walmart had begun using more green products. They would use energy efficient gas to heat water, energy star certified LED signage, and the expansion area would use recycled steel. He stated that a portion of the shelving would be made with recycled plastic, plumbing would include water conservative fixtures, and the refrigerants would be ozone friendly. The store would look better, be more energy efficient, and Walmart was a good steward because they would use recycled products.

Mr. Hathaway summarized that there would be upgrades outside of the store to reflect the improvements within the store, to bring it up to 2012 standards.

President Lerwick noted there were 44 pages of signatures on a petition against the expansion and entered them into the record. He indicated there was also written testimony entered into the record.

PUBLIC TESTIMONY

Tom Augustine, 1211 S.W. Levens Street, Dallas, Oregon 97338, stated that he preferred to shop at Dallas Select Market and was concerned the Walmart expansion may hinder their business.

President Lerwick reminded the audience this was not the venue to vent feelings or go into politics, but to discuss the application and its compliance with the Code.

Kim Connelly, 1460 Reuben Boise Road, Dallas, Oregon stated that she heard Walmart did not give to Relay for Life last year, but there had been strong support from the other local businesses. She indicated she was against the expansion and suggested the petitions that

Walmart submitted were non-residents and they didn't get more than 10% of Dallas's population. She explained to the Commissioners that the people making the presentation wouldn't be in Dallas for the long term effects.

Lydia Graber, 2414 SW Maplewood Drive, Dallas, Oregon, stated that she was against the Walmart expansion. She submitted a letter into the written record and asked to leave the record open for 14 days to allow more time to respond. She suggested that the storm water system may not be adequate and should be verified, that the fertilizers stored outside could end up in the storm water, the driveway accesses created a safety issue, and the parking lot standards were inadequate. She asked for a traffic analysis and suggested that the Planning Commission should change non-conforming use to commercial as required.

Fred Hardin, 712 NW Ashley, Dallas, Oregon, gave personal background information about his experiences with Walmart and some local history of shopping in Dallas, noting that change was inevitable. He encouraged the Planning Commission to ask if this expansion would benefit Dallas, and if so to vote accordingly.

Joe Koubek, 565 SE Mifflin Street, Dallas, Oregon, stated that he was concerned about the aspect of seasonal outdoor sales and he couldn't find what part of the application addressed that issue, noting that 3.4.04 noted the amounts, but not the contents. He suggested that if the plan was to move them to a different spot that suggested Walmart was doing this to create an out of sight out of mind experience for the public and was concerned about pollution in storm water run-off.

Casey Sparks, 1082 SE Forestry Lane, Dallas, Oregon, stated that he has lived in Dallas for one year. He asked for clarification about the elements of design that showed the façade was designed for Dallas and how it was different from any other Walmart store. He questioned if the Planning Commission had façade requirements to keep Dallas looking the way we want it to look.

COMMISSIONERS QUESTIONS

There were no questions from the Commissioners.

REBUTTAL TESTIMONY

Mr. Hathaway stated that only site plan requirements were before the Planning Commission and much of the testimony given was not relevant, adding that Walmart tried to be a good neighbor. He stated that Staff had recommended that the Planning Commission approve the application with the changes that Walmart agreed to. Upon review of the application and staff report, it clearly showed that the criterion had been addressed and that the Planning Commission had enough evidence to approve the application.

Mr. Hathaway pointed out that Walmart gives millions of dollars nationally to the Relay for Life organization. He explained that the development standard have changed since the existing building was constructed and alterations could be made so it would be more code conforming,

which was exactly what Walmart proposed. The ultimate conclusion was that Walmart was in compliance with rejuvenating an existing facility. He addressed the driveway access and stated that no alternations would be done at the access points. He noted that DEQ has very stringent codes about storm water and everyone had to comply, stating that Walmart has always and would continue to comply. He added that with less impervious surfaces and more landscaping there would be a decrease in storm water run-off. It was Walmart policy to keep fertilizers inside the building and the seasonal outdoor storage area contained other non-chemical items such as bark dust.

He addressed the request to keep the record open for 14 days and noted state law only required 7 days. He stated they would be agreeable to that if they would be allowed an opportunity for a period of time for rebuttal and asked that a written closing statement be submitted. He added that he would be willing to come back and present testimony based on the record if appropriate. President Lerwick announced the rebuttal was closed.

Lane Shetterly stated that the Code allowed for the record to remain open on request for 7 days (November 16, 2011 @ 5:00 p.m.), then the applicant would have rebuttal (November 23, 2011 @ 5:00 p.m.), and staff would present a supplementary staff report at the meeting on December 13, 2011. Typically the deliberation would be based on the record.

Commissioner Pederson asked about storm water requirements. Mr. Locke stated it would be reviewed by engineering staff when the plans were submitted; on preliminary review they appeared to be acceptable. Commissioner Pederson questioned the driveway conformity. Mr. Locke explained these were state highway standards and that the peak hour traffic would be reduced because of the added grocery. At the conclusion of the comment period the staff would make a recommendation related to the traffic impact analysis. Commissioner Peterson suggested that it needed to be addressed.

Mr. Locke explained that ODOT could revise their decision if the improvements changed the facility use, and added that the application was reviewed and the numbers did not meet the trigger threshold. Commissioner David Shein suggested that traffic access issues would likely increase congestion and asked if it was addressed under council policy or the development code. Mr. Shetterly responded that it would require the Commissioners' interpretation to apply the criteria, and recommended waiting until all of the information was in before deliberation. Carol Kowash asked if there were chemicals currently being stored outside or if it was only bark dust. Mr. Hathaway answered that the fertilizers and chemicals are stored inside, and bags of rock, bark dust, and pavers are stored outside. He suggested adding containment issues as a condition of approval.

Commissioner Shein made a motion to keep the Public Hearing record open for the site plan review for the expansion of the existing Walmart store #2315-04, located at 321 NE Kings Valley Highway in Dallas, Oregon, for 7 days until November 16, 2011, at 5:00 p.m. with the applicant having rebuttal time until November 23, 2011, at 5:00 p.m.; deliberation would continue on

December 13, 2011, at 7:00 p.m. during the next scheduled Planning Commission meeting.
Commissioner Wilson seconded the motion and it passed unanimously.

OTHER BUSINESS

Commissioner Pederson noted that Mr. Sparks raised an interesting question about a standard look we are headed towards, and suggested we talk about that in a future meeting.

COMMISSIONER COMMENTS

STAFF COMMENTS

The Meeting was adjourned at 8:45 p.m.

APPROVED:

President

Date