

## **FORMAL PUBLIC COMMENT BY THE MT. TABOR NEIGHBORHOOD ASSOCIATION**

Case File Number: LU 25-083003 NE

Submitted: Monday, December 22, 2025 by MTNA President Paul Leistner to Andrew Gulizia, Land Use Services, PP&D

The Mt. Tabor Neighborhood Association (MTNA) does not believe we have the legal expertise to take a position on the question of the nonconforming Dairy Queen drive through. Following our initial letter to the City of August 1, 2025, we are happy to see that the City has initiated a formal review to resolve this question.

At a December 19, 2025 meeting, MTNA Board members voted to submit the following key points among our public comments:

- **The MTNA is not opposed to the Dairy Queen redevelopment project.**
- **The MTNA acknowledges that many community members strongly support the return of the Dairy Queen to our neighborhood.**

MTNA board members met on Fri. December 19, 2025 in an emergency board Zoom meeting to discuss the Dairy Queen (DQ) redevelopment project and the legality of the proposal to include the non-conforming drive through. The MTNA provided the required 24-hour public notice of the meeting and notified the property owner, Mohan Grewal. Ten of the eleven current MTNA board members participated in the meeting. Twelve community members were present and participated as did Mr. Grewal. The MTNA also discussed the project at the regular MTNA meeting on November 14, 2025. Mr. Grewal also attended and spoke at that meeting. The MTNA has received a number of email messages from community members about the DQ project.

We believe that the MTNA's involvement in this process has helped lead to:

- the City formally looking at the legality of reintroducing this nonconforming use;
- the MTNA and the community learning more about the project from Mr. Grewal;
- the MTNA hearing from community members; and
- many community members becoming aware of the project and being able to share their thoughts and opinions.

The MTNA Board members voted unanimously at our December 19, 2025 board meeting to also support the following points:

- **The MTNA acknowledges the earlier letter we sent to the City on August 1, 2025.** In that letter, the MTNA raised concerns about whether the reintroduction of the non-conforming drive through was legal and possible impacts the reintroduction of the drive through might have on traffic and pedestrian safety and the FX2 bus line. Our letter also raised our concern about the potential precedent of allowing a potentially illegal non-conforming on the City's enforcement of the Zoning Code across the city. Since last summer, the MTNA board members have had an opportunity to learn more about the project from Mr. Grewal and to receive input from many of our community members.

- **The MTNA is pleased that the City is undertaking this formal “Determination of Legal Nonconforming Use Review.”** We hope that this process will clarify the legality of including the non-conforming drive through as part of the proposed DQ redevelopment project. Our interest in resolving this question was a key focus of our August 1, 2025 letter.
- **The MTNA is not taking a position on whether the reintroduction of the non-conforming drive through is legal or not.** The current land use review is focused on whether the applicant retains rights under the Zoning Code to reconstruct a drive through as part of this project. We do not believe we have the legal expertise to take a position on this question. We are happy to see that the City has initiated this review to resolve this question.
- **The MTNA will continue to encourage and support good communication between the property owner, nearby neighbors, and the broader community.** We want to continue to foster good communication with and between the property owner and neighbors. Mr. Grewal stated at our December 19, 2025 meeting that he is open to working with nearby neighbors and the MTNA and is willing to participate in the development of a Good Neighbor Agreement.
- **The MTNA continues to set a high priority on improving traffic and pedestrian safety around the property and on that part of SE Division Street.** Community members have shared ideas for how to increase safety around the DQ property. The MTNA will work with community members, the City, Atkinson Elementary and Franklin High Schools, and Mr. Grewal to research the feasibility and effectiveness of possible solutions. Some suggestions shared by community members include: a left turn only sign as people exit the DQ onto SE 55<sup>th</sup> to direct people back onto SE Division St; a barrier on SE 55<sup>th</sup> that would prevent people from turning right and direct them to turn left; a stop sign on Division at SE 55<sup>th</sup>; a lower speed limit on Division; organizing community members to report to the City (via PDX Reporter) potholes on Division and get them fixed; speed bumps on Division; a new crosswalk across Division closer to the DQ; “Slow Down” signage; and a plan to keep kids safe while they enter and exit school buses that line up near Atkinson Elementary on Division St.
- **The MTNA encourages PBOT to take a more active role in working with local businesses to assess traffic and pedestrian safety and to take action to improve safety near these businesses.**
- **The MTNA strongly supports our local small businesses.** The MTNA encourages the City to simplify its processes, where possible, and to make it easier and less expensive for small businesses to operate in Portland.