



City of Tualatin

www.ci.tualatin.or.us

**"NECESSARY PARTIES"
MARKED BELOW**

NOTICE OF APPLICATION SUBMITTAL

- ANNEXATION CONDITIONAL USE PERMIT PLAN TEXT AMENDMENT
 ARCHITECTURAL REVIEW PLAN MAP AMENDMENT OTHER: SIGN VARIANCE

CASE/FILE: SVAR-15-01 (Community Development Dept.: Planning Division)

PROPOSAL	Sign Variance Request to allow 120 square foot banners attached to the front of the building. The code allows a maximum of 42 square foot banners currently.
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PROPERTY	Street Address	7555 SW Nyberg Street
	<input type="checkbox"/> n/a Tax Map and Lot No(s).	2S1 24A 2700 & 2507, 2S1 24B 2100
	Planning District	Central Commercial (CC) Office Commercial (CO)
	Related Applications	AR-13-07, MP-13-01, CUP-13-04, SVAR-14-01

DATES	Receipt of complete application	4/30/2015	CONTACT	Name: Clare Fuchs
	Notice of application submittal	5/20/2015		Title: Senior Planner
	Project Status / Development Review meeting	N/A		E-mail: cfuchs@ci.tualatin.or.us
	Comments due for staff report	6/3/2015		Phone: 503-691-3027
	Public meeting: <input type="checkbox"/> ARB <input checked="" type="checkbox"/> TPC <input type="checkbox"/> n/a	6/18/2015		Notes:
	City Council (CC) <input type="checkbox"/> n/a			

City Staff

- City Manager
- Building Official
- Chief of Police
- City Attorney
- City Engineer
- Community Dev. Director
- Community Services Director
- Economic Dev. liaison
- Engineering Associate
- Finance Director
- GIS technician(s)
- IS Manager
- Operations Director
- Parks and Recreation Coordinator
- Planning Manager
- Street/Sewer Supervisor
- Water Supervisor

Neighboring Cities

- Durham
- King City Planning Commission
- Lake Oswego
- Rivergrove PC
- Sherwood Planning Dept.
- Tigard Community Dev. Dept.

- Wilsonville Planning Div.

Counties

- Clackamas County Dept. of Transportation and Dev.
- Washington County Dept. of Land Use and Transportation

Regional Government

- Metro

School Districts

- Lake Oswego School Dist. 7J
- Sherwood SD 88J
- Tigard-Tualatin SD 23J (TTSD)
- West Linn-Wilsonville SD 3J

State Agencies

- Oregon Dept. of Aviation
- Oregon Dept. of Land Conservation and Development (DLCD) (via proprietary notice)
- Oregon Dept. of State Lands: Wetlands Program
- Oregon Dept. of Transportation (ODOT) Region 1
- ODOT Maintenance Dist. 2A
- ODOT Rail Div.

Utilities

- Republic Services (Allied Waste)

- Clean Water Services (CWS)
- Comcast [cable]
- Frontier Communications [phone]
- Northwest Natural [gas]
- Portland General Electric (PGE)
- TriMet
- Tualatin Valley Fire & Rescue (TVF&R)
- United States Postal Service (USPS) (Washington; 18850 SW Teton Ave)
- USPS (Clackamas)
- Washington County Consolidated Communications Agency (WCCCA)

Additional Parties

- Tualatin Citizen Involvement Organization (CIO)
- DKS,



City of Tualatin

www.tualatinoregon.gov

SIGN VARIANCE APPLICATION

BUSINESS NAME Cabela's CONTACT PERSON Christe White PHONE 971.634.0204

ADDRESS 111 SW Columbia Street, Ste 1100 CITY Portland STATE OR ZIP 97201

APPLICANT'S NAME CenterCal Properties, LLC PHONE 310.563.6900

ADDRESS 1600 East Franklin Avenue CITY El Segundo STATE CA ZIP 90245

AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT'S SIGNATURE *Center Cal Properties* DATE 3/22/15

PROPERTY OWNER'S NAME TUALA Northwest, LLC PHONE 503.799.8324

ADDRESS 5638 Dogwood Drive CITY Lake Oswego STATE OR ZIP 97035

PROPERTY OWNER'S SIGNATURE *[Signature]* DATE 3/29/15
Power of attorney/letter of authorization required if not signed by owner.

BUILDING OWNER'S NAME Nyberg Centercal II, LLC PHONE 310.563.6900
(If different than property owner.)

ADDRESS 1600 E. Franklin Ave. CITY El Segundo STATE CA ZIP 90245

BUILDING OWNER'S SIGNATURE *[Signature]* DATE 3/27/15
Power of attorney/letter of authorization required if not signed by owner.

VARIANCE REQUEST

A BRIEF STATEMENT OF THE VARIANCE REQUESTED AND THE SIGN ORDINANCE SECTION NO. see attached

SUBMIT SEPARATE SHEETS WITH THE SUPPORTING MATERIAL ADDRESSING THE SIGN VARIANCE CRITERIA [TDC 33.020 (6-11)] AND EXPLAINING WHY AND HOW THE REQUESTED VARIANCE MEETS THE CRITERIA.

PROJECT INFORMATION

PLANNING DISTRICT CO & CC PROPOSED/EXISTING USE Retail

TAX MAP NO. 2S124A & 2S124B TAX LOT NO. 2100, 2507, 2700 PARCEL SIZE _____

Date App Rcvd: _____ Received by _____ Date App Complete _____

Receipt # _____ Variance Fee _____ Circle one: Cash Check Credit Card

Sign Variance Case No. _____

Project Name: Cabela's Tualatin
To: City of Tualatin, Oregon
Subject: Signage Variance for Temporary Banners
From: CenterCal Properties on behalf of Cabela's
Date: March 19, 2015

This application requests the minimal variance necessary from the Tualatin Development Code, 33.220 to accommodate temporary banners for special sales events at the Cabela's retail store in the redeveloped Nyberg Rivers shopping center.

Introduction

The City previously granted a sign variance for the Cabela's store in order to accommodate larger permanent sign letters that were both visible from the nearby roadways and more proportionate to the building wall square footage.

The previous sign variance recognized the unique location of the Cabela's and its particular design review process within the Central Urban Renewal Area. As part of Cabela's annual sales calendar, Cabela's hosts special sales events in its stores across the country. Each of those special sales events are advertised by a Cabela's temporary banner that is affixed to the store façade for a limited number of days.

Each of the banners measure 10 feet by 12 feet or 120 square feet. The code permits these temporary banners but limits the total number of days to 60 in one calendar year and limits the size of the sign to 42 square feet. Cabela's does not requires any variance to the number of days allowed under the code and will limit the temporary banners to 60 days. However, given the size of the approved building, the size of the permanent signage and the distance to the right of way, Cabela's does need to exceed the maximum size requirement, thus necessitating this variance. An illustration of the typical banner and its dimensions is attached in Exhibit A.

Below we address how this situation meets the required criteria for a sign variance:

- a. *A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and such conditions are a result of lot size or shape or topography over which the applicant or owner has no control.*

The exceptional and extraordinary circumstances that apply to this property and generally do not apply to other properties in the CC and CO districts are many:

(1)The property is within a required master plan area. As a result, this site went through extensive design proceedings starting with the master plan process and approval that are not required of other CC and CO properties outside the master plan area. The master plan proceedings resulted in an approved site layout that locates Cabela's in the northeastern corner of the site, farther from the main arterial than any other building in the development;

(2) The master plan and subsequent ARB process required extensive and positive architectural changes to our standard store that introduced façade features that we integrated with our permanent signage package. Our temporary signs must be proportionate to and visible amongst the approved façade features and thus require this variance. The size of our store makes it exceptional on this score compared to other CC and CO zoned properties outside of the master plan area;

(3) Unlike the other CC and CO zoned sites in the master plan area we are situated in the far northeastern corner for multiple reasons including the location of other retail uses that already exist on the site, the required location for our parking spaces and the desire to integrate with but not overwhelm the other uses at Nyberg Rivers. This results in unique visibility issues that require a sign variance for our special but limited sales events;

(4) Cabela's has no control over the site size, layout or topography of the site, particularly here where the project redeveloped an existing center on contiguous and integrated lots and which is bordered by the Tualatin River, the freeway and Nyberg Road and integrates a new road system which bifurcates the site;

(5) The hardship that is created by these circumstances is that the code-restricted temporary signage cannot be easily viewed or read from the major arterials because it is small and out of scale with the approved façade and permanent signage. The Cabela's is a major retail anchor and destination store with established annual sales events that are unique to the typical commercial environment as reflected in this signage application.

Cabela's has no control over these conditions that, on the aggregate, create this hardship.

- b. *The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner or the company, or from regional economic conditions.*

This hardship is not the result of actions of the applicant, owner or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner or the company, or from regional economic conditions.

c. *The variance is the minimum remedy necessary to eliminate the hardship.*

Exhibit A demonstrates that this variance is the minimum remedy to maintain adequate visibility for special sales events and to integrate the sign with the permanent signage and the architectural scale of the façade without creating any sign clutter.

The proposed temporary sign package does not appear out of scale with the façade and appropriately readable at 300 feet which is a location that is still within the project site. At over 525 feet along Nyberg Road the signage will become much less readable and will not appear out of proportion with the architectural features. Further, the signage is integrated into the entry way design and permanent signage and therefore appears expected and familiar rather than out of place or out of scale.

Further, as discussed above, a total of only one temporary banner will be on display at any one time minimizing the variance. The signs will only be on display for the code allowed 60 days during any calendar year. The proportionality of the sign to building wall area is maintained and the request also limits temporary signs to just one of the four elevations.

d. *The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district however, nonconforming or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request.*

Due to the distance away from major arterials and the interstate, the temporary sign restrictions will be too small in scale to serve the commercial purpose. While the distance to the street for all other uses in the center allows most if not all of those uses sufficient temporary sign coverage to be visible from the street, this is not the case for Cabela's. Cabela's has a larger façade than any other user and is located in the far northeastern area of the development. The intended temporary signage will preserve the property rights of Cabela's by maintaining visual access to their temporary sales events.

e. *The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity.*

The intended signage does not cause detriment to the general public health, safety and welfare, and is not injurious to properties or improvements in the vicinity. In fact the signage request maintains visible access and simply adjusts Cabela's signage appropriately in relation to their location, the nature of their sales events and size of façade architectural features.

To the extent Cabela's acts as a draw and anchor to the center, all other users in the center will benefit from Cabela's signage that allows the needed visible anchor access.

- f. *The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030.*

The intended signage does not cause detriment to the applicable Sign Design Objectives, but rather upholds the objectives by protecting and enhancing property values (objective 8), protecting and enhancing the City's economy (objective 9) and ensuring the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter (objective 10).

(8) Protect and enhance property values.

(9) Protect and enhance the City's economy.

As mentioned above, the sign variance is the minimal variance necessary to make the temporary sales signage on Cabela's visible from the surrounding road system. Visible signage contributes to the protection and enhancement of commercial property values. It also helps ensure the commercial success of a major anchor store at Nyberg Rivers which will in turn protect and enhance the property values of other retailers in the center, contributing to the City's economy.

(10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.

The number of signs and the number of days in this case is allowed by the code. It is only the size that requires a variance. The height and dimensions of the sign vary from the code requirements but their total area is appropriate given the temporary nature of the signage and its proportionality to the balance of the façade and the permanent signage. The result is a visible manuscript from the surrounding road system for

temporary events. Most, if not all of the days for banner display are around holiday events where people and patrons expect to see special sales events advertised, particularly in a robust center like Nyberg Rivers.

Conclusion

This application demonstrates compliance with each of the sign variance criteria and we therefore request approval of this application.

Letterhead (if available)

(Date)

(Name)

(Address)

(City, State Zip)

RE: (Project name, description, location)

Dear Property Owner:

You are cordially invited to attend a meeting on (this date) at (this time) and at (this location). This meeting shall be held to discuss a proposed project located at (address of property, cross streets). The proposal is to (describe proposal here).

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal.

Regards,

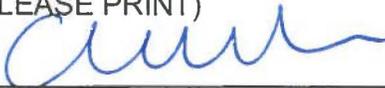
(Your name)

(Company name)

(Contact phone number and email)

As the applicant for the Cabelas Nyberg Rivers
project, I hereby certify that on this day, February 27, 2015 notice of the
Neighborhood / Developer meeting was mailed in accordance with the requirements of the
Tualatin Development Code and the Community Development Department - Planning
Division.

Applicant's Name: Christe White
(PLEASE PRINT)

Applicant's Signature: 

Date: 2/27/15

NOV. 29 - DEC. 24

CHRISTMAS WITH CABELA'S

WRAP UP A TRADITION



Cabela's

BLACK FRIDAY DOORBUSTERS

STARTS FRIDAY 5 A.M. - NOV. 28

5 HOURS ONLY

AUG. 7 - AUG. 13

WATERFOWL CLASSIC 2014

Cabela's

SUMMER CLEARANCE

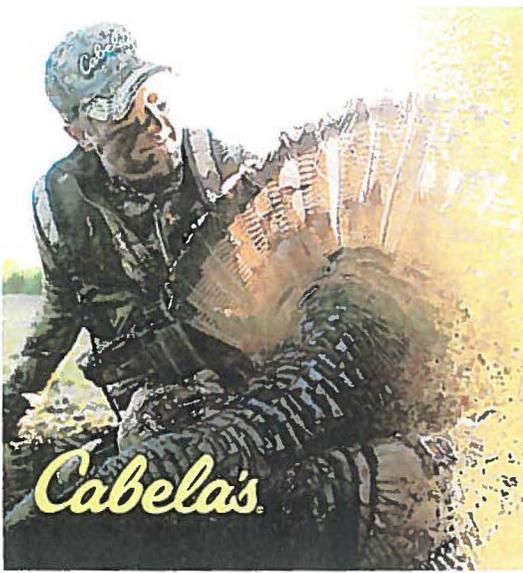
JULY 10-20

LADIES' DAY OUT
OCT. 18

Cabela's

SUMMER CLEARANCE

JULY 10-20

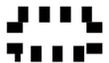
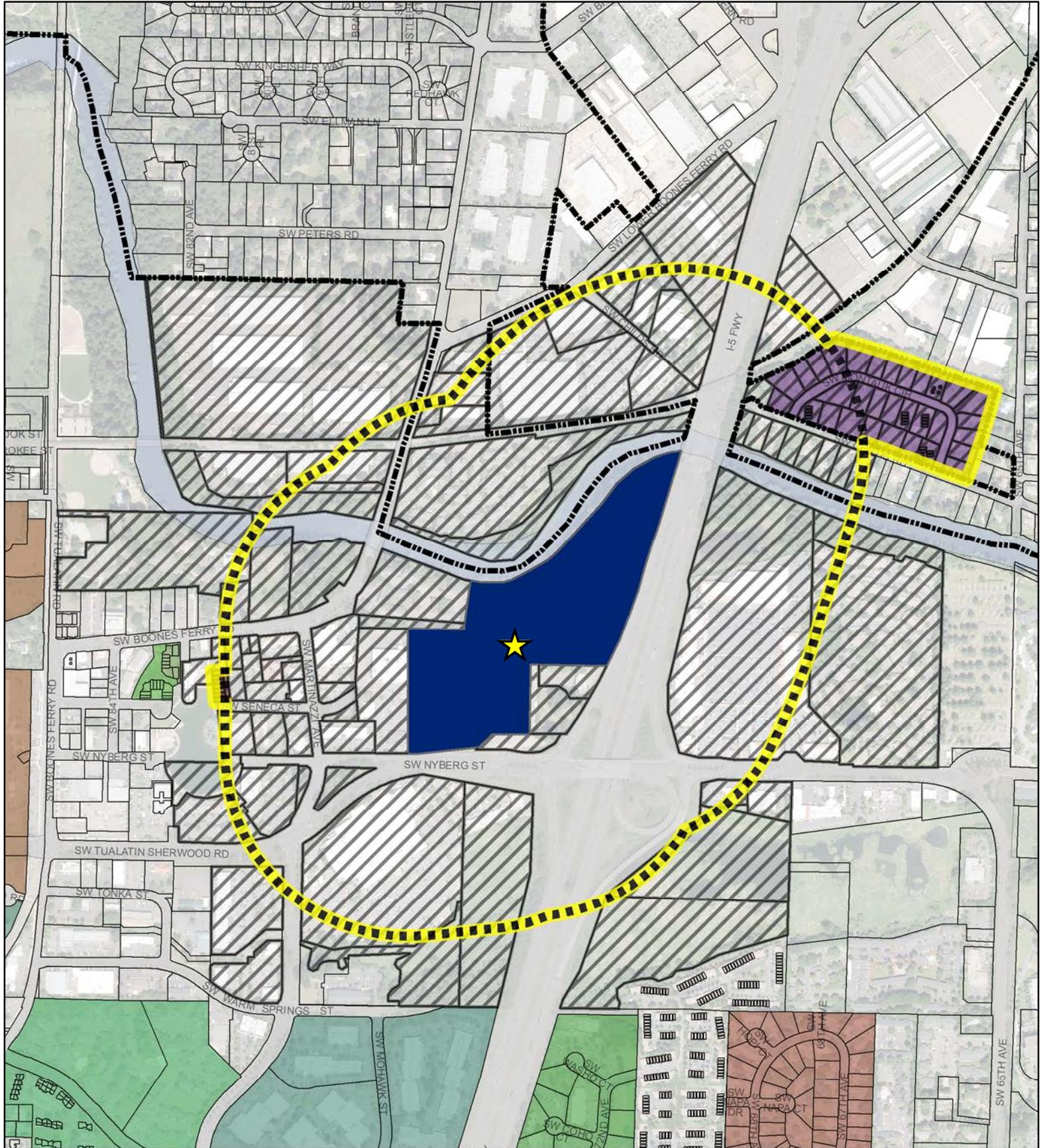


Cabela's

SPRING GREAT OUTDOOR DAYS
FEB. 27 - MARCH 23

FALL GREAT OUTDOOR DAYS
AUG. 14 - SEPT. 1

FAMILY GREAT OUTDOOR DAYS
MAY 1-14



1000' Buffer



1000' Buffer with Subdivisions



Selected Taxlots





NOTICE

SIGN VARIANCE

SVAR-15-01

For more information call

503-691-3026 or visit

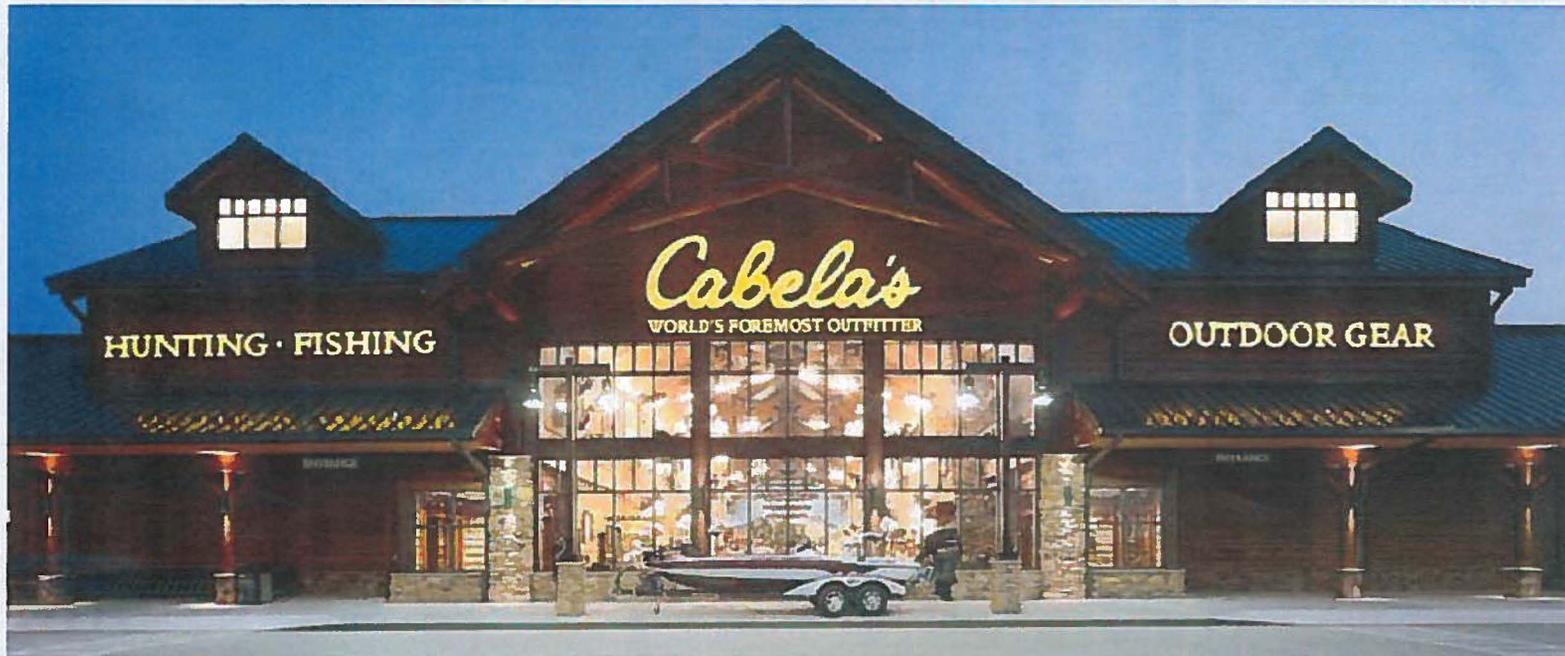
www.tualatinoregon.gov

Cabela's Sign Variance Meeting

March 17, 2015

6:00 p.m.

*Christe White & Allison Reynolds
Radler White Parks & Alexander LLP*



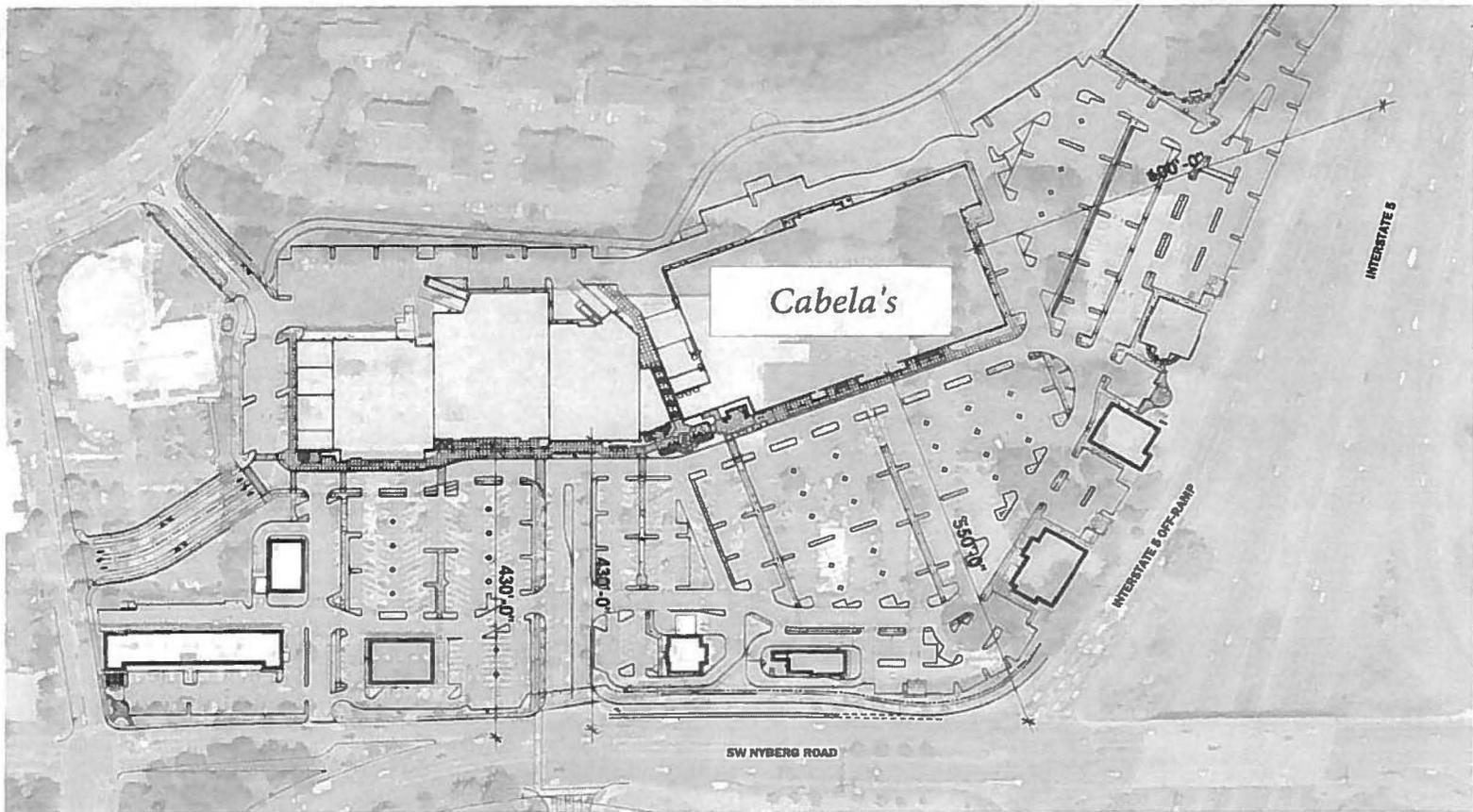


EXHIBIT A

CABELA'S RETAIL PRELIMINARY DRAWINGS PLANNING OF

 HBA
HUBBARD BROWN ASSOCIATES
PLANNING ARCHITECTS

10/03/13
PR 125111

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ADDED TOWER *

12'-0"

ADDITIONAL METAL TRELLIS

HUNTING • FISHING

Cabela's

WORLD'S FINEST OUTDOOR GEAR

OUTDOOR GEAR

SALE SPRING

NOV. 29 - DEC. 24

CHRISTMAS WITH CABELA'S®

WRAP UP A TRADITION



Cabela's

BLACK FRIDAY DOORBUSTERS

STARTS FRIDAY 5 A.M. - NOV. 28

5 HOURS ONLY

AUG. 7 - AUG. 13

WATERFOWL

CLASSIC

2014

LADIES' 88

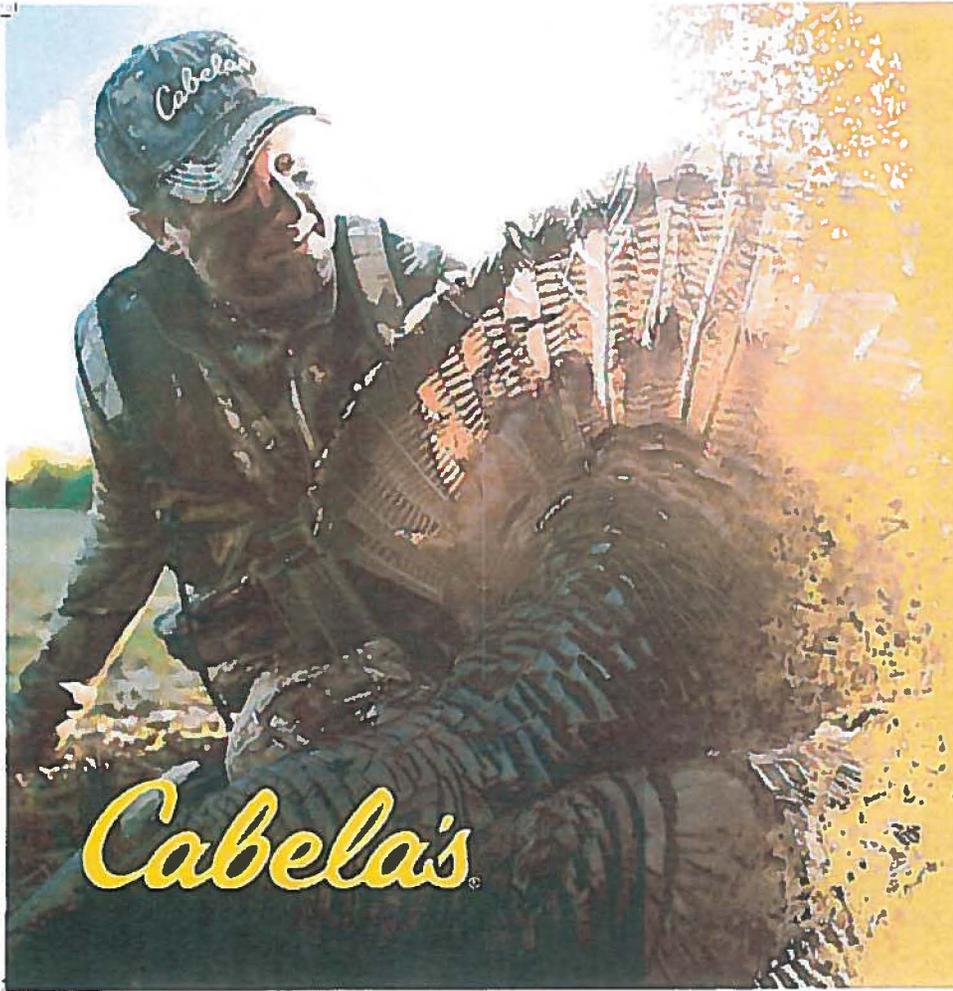
DAY OUT

OCT. 18

Cabela's®

SUMMER CLEARANCE

JULY 10-20



Cabela's

**SPRING GREAT
OUTDOOR
DAYS**
FEB. 27 - MARCH 23

FALL GREAT OUTDOOR DAYS

AUG. 14 - SEPT. 1

FAMILY

**GREAT
OUTDOOR**

DAYS
MAY 1-14

OCT. 30-NOV. 9

DEER
CAMP

SALES

Notes from Neighborhood Meeting: March 17, 2015

In addition to the Applicant's representative and the City Planner, Jonathan Crane of Tualatin attended the neighborhood meeting. A summary of Mr. Crane's comments for the record and responses from the Applicant's representative are provided below:

Comment:

Mr. Crane expressed concern that if Cabela's was allowed to have a larger sign, this could cause a 'domino effect,' leading to other Tualatin businesses also using larger signs.

Response:

The Applicant's representative explained the City's sign variance process and the list of criteria that must be met to obtain a variance. Other similarly-situated businesses would be free to apply for a sign variance based on similar or different circumstances and these variance applications would each be independently considered by the City. The City's approval of the variance for Cabela's would not allow other business to use larger banners without first obtaining a variance.

Comment:

Mr. Crane asked if the sign examples presented in the Applicant's informational packet, which were rectangular depictions of signs, would be 10' x 12' signs.

Response:

The examples presented show the text and images that will appear on the temporary sign banners for different events. All banners will be 10' x 12' and the text and images will be adjusted to scale to fit a banner of this size.

February 27, 2015

NEIGHBORHOOD MEETING NOTICE

DATE: March 17, 2015
TIME: 6:00 p.m. - 7:00 p.m.
LOCATION: Juanita Pohl Center located at 8513 SW Tualatin Road, Tualatin, OR 97062-7092, phone # 503.691.3061
SUBJECT: Notice of Neighborhood/Developer Meeting for the property located at 7555 SW Nyberg Road

Dear Property Owner:

CenterCal Properties, LLC cordially invites you to attend a meeting on, March 17, 2015, from 6:00 p.m. to 7:00 p.m. at the Juanita Pohl Center located at 8513 SW Tualatin Road, Tualatin, OR 97062-7092, phone number 503.691.3061.

This meeting shall be held to discuss a sign variance located at 7555 SW Nyberg Road. The proposed signs will be located at 7555 SW Nyberg Road, tax lot 2S124A003100. The meeting will discuss the sign variance application that addresses the exterior banners for the Cabela's store in Nyberg Rivers.

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal.

Christe White
On behalf of CenterCal Properties, LLC

971.634.0200

Enclosure(s)

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Christe White, being first duly sworn, depose and say:

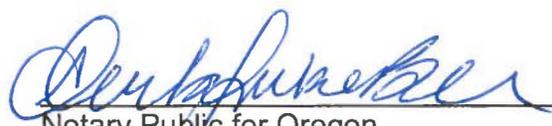
That on the 27th day of February, 2015, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me this 27th day of February, 2015.





Notary Public for Oregon
My commission expires:

RE: Cabela's Wyking Rivers (9 banners)

Exhibit B

February 27, 2015

NEIGHBORHOOD MEETING NOTICE

DATE: March 17, 2015
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Christe White
On behalf of CenterCal Properties, LLC

971.634.0200

Enclosure(s)

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

NOTICE
NEIGHBORHOOD / DEVELOPER MEETING
__/__/2010 __:__.m.
SW _____
503-____-____

24" 18"

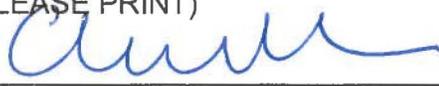
In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates >.

As the applicant for the

Cabelas Myberg Rivers project, I

hereby certify that on this day, February 27 2015 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Christie White
(PLEASE PRINT)

Applicant's Signature: 

Date: 2/27/15

NOTICE

NEIGHBORHOOD / DEVELOPER MEETING

3/17/2015 6:00 p.m.

8513 SW TUALATIN RD.

503.691.3061

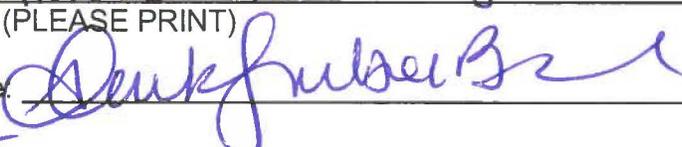
SIGN VARIANCE CERTIFICATION OF SIGN POSTING



The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **red** composed of the **RGB color values Red 112, Green 48, and Blue 160**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at www.tualatinoregon.gov/planning/land-use-application-sign-templates.

NOTE: For larger projects, the Planning Division may require the posting of additional signs in conspicuous locations.

As the applicant for the Cubela's Nyberg Rivers
project, I hereby certify that on this day, March 24 2015 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Engineering & Building Department – Engineering Division.

Applicant's Name: Amber Jackson Berg
(PLEASE PRINT)
Applicant's Signature: 
Date: 3/24/15

SVAR-15-01

To lessen the bulk of the notice of application and to address privacy concerns, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.