



TUALATIN CITY COUNCIL

Wednesday, August 7, 2013

**CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062**

SPECIAL CITY COUNCIL MEETING begins at 5:30 p.m.

Mayor Lou Ogden

Council President Monique Beikman

Councilor Wade Brooksby Councilor Frank Bubenik

Councilor Joelle Davis Councilor Nancy Grimes

Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda - *Item C*, following Announcements, at which time citizens may address the Council concerning any item not on the agenda with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

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Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



**OFFICIAL AGENDA OF THE TUALATIN SPECIAL CITY COUNCIL MEETING
FOR AUGUST 7, 2013**

A. CALL TO ORDER

Pledge of Allegiance

B. PUBLIC HEARINGS – *Quasi-Judicial*

1. CONTINUANCE- Consideration of a Central Urban Renewal District **Master Plan** for the Nyberg Rivers Shopping Center Development located at 7455-7925 SW Nyberg Street (Tax Map 2S124A 2700--2S124A 1601, 1602, 1900, 2502, 2506, 2507, 2700/ 2S124B 2000, 2001, 2100) in the Central Commercial (CC), Commercial Office (CO) and High-Density Residential (RH) Planning Districts and Central Urban Renewal Blocks 1-5 (MP 13-01).

2. Consideration of a Conditional Use Permit for the Nyberg Rivers Development to Allow Retail Uses in a Commercial Office (CO) Planning District and Outside Storage and Sales in a Central Commercial (CC) Planning District at 7055-7463 SW Nyberg Street (2S124A 2700--2S124A2100 and 2S124B2507) (CUP-13-04)

C. ADJOURNMENT



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Aquilla Hurd-Ravich, Planning Manager
Alice Cannon Rouyer, Assistant City Manager

DATE: 08/07/2013

SUBJECT: CONTINUANCE- Consideration of a Central Urban Renewal District **Master Plan** for the Nyberg Rivers Shopping Center Development located at 7455-7925 SW Nyberg Street (Tax Map 2S124A 2700--2S124A 1601, 1602, 1900, 2502, 2506, 2507, 2700/ 2S124B 2000, 2001, 2100) in the Central Commercial (CC), Commercial Office (CO) and High-Density Residential (RH) Planning Districts and Central Urban Renewal Blocks 1-5 (MP 13-01).

ISSUE BEFORE THE COUNCIL:

This item is a continuance from the public hearing held on July 22, 2013.

Council consideration of a proposed Nyberg Rivers Master Plan submitted by CenterCal Properties, LLC (CenterCal) to redevelop the former Kmart site and associated properties on Central Urban Renewal District (CURD) Blocks 1,2,3,4, and 5.

The Central Urban Renewal Plan is adopted as a part of the Tualatin Development Code (TDC 30.010) and requires approval of a Master Plan prior to development or redevelopment on land in the Central Urban Renewal Area. The CURD Plan also states that a Master Plan shall contain sufficient information to ensure that development meets the objectives of the Plan. The Council should consider if the Nyberg Rivers proposal meets the goals and objectives of the CURD Plan.

RECOMMENDATION:

Staff recommends that City Council consider the staff report and supporting attachments, and direct staff to prepare a resolution in support of the Council's recommendation on Master Plan 13-01.

EXECUTIVE SUMMARY:

Summary of Proposal

CenterCal proposes to redevelop approximately 26 acres out of a total 32 acre Primary Development Area. The proposal includes demolition of three existing buildings (including the former Kmart, Wendy's restaurant and the Jiggles club), construction of seven (7) new buildings (treating attached tenant buildings 1005, 1010 and 1030 as one building), access and public facilities improvements, parking, pedestrian, bicycle, and landscaping improvements. Five (5) existing buildings will remain including Michael's and associated tenant spaces to the west in addition to existing pad buildings US Bank, Banner Bank, and multi-tenant buildings A and B.

CenterCal has also submitted an application for a Conditional Use Permit (CUP 13-04) to be reviewed separately if this Master Plan application is approved. The applicant is requesting a Conditional Use Permit to allow retail sales in the Office Commercial (CO) Planning District portion of the site and they have requested the ability for outside sales, associated with the anchor tenant, in the Central Commercial (CC) Planning District.

Summary of first Public Hearing on July 22, 2013

On Monday July 22, 2013 the Master Plan public hearing opened with a presentation from staff and a presentation from the applicant. The Architectural Review Board and Tualatin Parks and Recreation Advisory Board presented summaries of their public meetings with the applicant. Members of the audience presented public testimony. The Mayor and Council then proceeded to ask questions of staff and the applicant regarding the application by systematically reviewing each goal from the CURD Plan with the exceptions of **Goal 1 Commercial Development**, **Goal 5 Traffic and Transportation** and **Goal 11 Design Considerations**. These goals were intentionally left for discussion during tonight's continued public hearing.

CenterCal submitted additional information on July 30, 2013 in response to the City Council Hearing included as Attachment 204. Staff did not have an opportunity to review this information prior to publishing the staff report.

Summary of Amendments to the Analysis and Findings and Recommended Conditions

In response to concerns from the applicant and public testimony presented, staff reanalyzed the proposal and previously drafted analysis and findings. Upon further review, staff made modifications to the findings and subsequently modified the recommended conditions. These changes are summarized below and are included as **Attachment 201 Amended Analysis and Findings**. Staff made minor text changes to the numbering of conditions in many Goals and added some clarifying statements. These type of modifications are not specifically identified in the following summary.

Text in **Red Underline** is new and text with a ~~Strike-through~~ is deleted.

Goal 1 Commercial Development: *To encourage and facilitate commercial development in the Urban Renewal Area with an emphasis on establishing a visible and viable central business district that encourages community and business activity on weekdays, evenings and weekends.*

Change: Staff provided additional analysis included in Attachment 201 Amended

Analysis and Findings to address parking on land designated High Density Residential (RH). The Central Urban Renewal District Plan allows land designated RH to mix uses that are permitted in RH and Central Commercial (CC). The applicant is proposing a shared pathway for bikes and pedestrians and parking on a land designated RH. Pathways for bikes and pedestrians are permitted uses in the RH planning district (TDC 43.020(3)) and parking is an allowed use in the CC planning district (TDC 53.020(33)). Through this analysis staff determined that parking is an allowed use and no additional conditions are required to meet the Goal. The original conditions of approval did not change and are reflected below.

Proposed Conditions of Approval for Goal 1:

- a) Limit the number of drive-thru facilities in the Nyberg Rivers development to no more than four and design any new or re-located drive-thru facilities so the service windows and service aisles are oriented away from public streets.

Goal 2 Housing: *To encourage multi-family housing in the Urban Renewal Area as supportive of commercial development.*

Change: Staff conducted additional analysis and found that the proposed development provides pedestrian and bicycle access to the residential property to the north, Heron's Landing Apartments, via a Shared Pathway easement. This pathway connects with proposed pedestrian and bicycle routes that provide connectivity to the City Hall and Library Campus. Additionally, pedestrian and bicycle routes on Street "A" provide connectivity to Boones Ferry Road, the western portion of downtown Tualatin and subsequently existing and future residential development in the downtown area such as in the Tualatin Commons. Based on this additional analysis Goal 2 is met and no conditions are recommended.

Proposed Conditions of Approval for Goal 2:

- ~~a) Site design and building design shall provide attractive and pedestrian-oriented features including accessways and pathways that will connect to existing and future residential development in the downtown area such as in the Tualatin Commons and specifically to the adjoining Heron's Landing Apartments property.~~

Goal 3 Industrial Development: *To promote new industrial development in the southwestern sub-area of the Urban Renewal Area which is compatible with existing development; and to encourage retention an expansion of existing industries in the northern and southwestern sub-areas of the Urban Renewal Area.*

No changes proposed.

Goal 4 Civic Development: *To promote civic facilities, including community gathering spaces and other pedestrian amenities, a community center, library expansion and a City Hall in the Urban Renewal Area, which is supportive of other civic and private uses in the area.*

Change: In response to concerns from the applicant staff reanalyzed the need to provide 12 feet of clear, unobstructed width for public gathering spaces, accessways and walkways associated with outside sales areas. A determination was made that 12 feet of width associated with outside sales in front of building 1040 is not required

to meet Goal 4. To reflect this analysis one condition was removed and a second condition was modified. The recommended condition now intends to provide for 12 feet of clear unobstructed width from the western most edge of the Michaels building to the northeast corner of the public gathering, multi-function open plaza. For reasons discussed under Goal 2, proposal condition c) is deleted. These changes are reflected below.

Proposed Conditions of Approval for Goal 4:

a) Recreational equipment, apparel and sports outfitting sales are prohibited in areas identified as public gathering, multi-function open plaza and plaza seating with fire pit on Attachment 102D page 60 Building Frontage landscape plan.

~~b) The proposed "outside sales areas" should be configured to provide a minimum of 12 feet in clear, unobstructed width for public gathering spaces, accessways and walkways measured from the edge of an "outside sales area", and;~~

b) A minimum of 12 feet of clear, unobstructed width for walkways or accessways through a plaza or along the building frontage between Building D1 and northeast corner of the public gathering, multi-function open plaza seating with fire pit on Attachment 102D page 60 Building Frontage landscape plan. on the west and southeast corner of Building 1040 on the east

~~e) Pedestrian linkages across the Tualatin Civic campus between the main Nyberg Rivers development and Martinazzi Avenue via the SW Seneca Street or other approaches.~~

c) Remove the Truck Route designations from Street "A" and Seneca Street in order to eliminate impacts to the Library/City Hall Plaza, Shared Pathway, and other pedestrian crossings of these roads and drive aisles.

Goal 5 Traffic and Transportation: *To provide transportation access and circulation which is supportive of central area development.*

Change: Analysis was added to section 5.2 Transportation Improvements that supports the Master Plan's proposed private streets with public access rather than the City requiring a public street. A public road is intended to provide vehicular, pedestrian and bike access through CURD Blocks 2 and 5. The proposed private streets with public access will provide access and circulation and other characteristics of a public road like sidewalks, multi-use paths, landscaping, street lights and through travel lanes. Discussion of private access, easements and other site access was included to clarify how access to the site conforms with the Tualatin Development Code.

A condition recommending a 12 foot multi-use path and a five foot on-street bike lane was modified to allow the applicant to provide 12 feet of bicycle and pedestrian access in a configuration that is suitable for the subject site. Other conditions were modified to attribute comments to Washington County and ODOT. Clarifying language was added to the analysis in section 5.1 Traffic Impact Analysis section 2) ODOT that sufficient right of way exists to accommodate all improvements.

Refinements and adjustments may be needed to the site plan to accommodate public improvements as the design is finalized. These changes are reflected below.

Proposed Conditions of Approval for Goal 5:

- a) The proposed Seneca Street extension to the Nyberg Rivers site with a signal at SW Martinazzi Avenue are constructed to the standards of a Minor Collector Street.

- b) The following improvements are necessary for this development (as noted by Washington County and ODOT):
 - A westbound right turn lane on SW Nyberg Road.
 - Two southbound left turn lanes and a shared through/right turn lane from the site's access onto SW Nyberg Road.
 - Two inbound receiving lanes and
 - The associated signal improvements at the main entrance.

- c) The following revised cross-sections are necessary to achieve public "street-like" qualities on private streets:

Attachment 102D -Exhibit B: Cross-section A-A:

- A 4 to 7-foot planter strip on the east side with curb, streetlights, and trees
- A 4-foot planter on the west side with curb, streetlights adjacent to the travel lanes, and groundcover and shrubs with a 14-foot shared path with tree wells
- Three 12-foot southbound travel lane
- Two northbound 12-foot travel lanes
- A center median consisting of an 18-inch concrete median, with striping on both sides for a total of 2.5-feet

Attachment 102D - Exhibit C: Cross-section B-B:

- A 12-foot pedestrian walkway on the north side with tree wells
- Two 13-foot travel lanes. 12 foot travel lanes are acceptable.
- A 6-foot planter on the south side
- A 5-foot sidewalk on the south side

Attachment 102D - Exhibit D: Cross-section C-C:

- A 10-foot wide pedestrian walkway on the east side with tree wells
- 17.5-foot angled parking on both sides
- Two 14-foot travel lanes
- A 4-foot sloped landscape area on the west side
- A 12-foot multi-use path on the west side

Attachment 102D - Exhibit E: Street "A": Cross section D-D

- A 12-foot multi-use path on the west side
- A 4-foot planter strip with curb, streetlights, and trees
- Two 12-foot travel lanes
- A 6-foot bike lane on the east side
- A 5-foot sidewalk on the east side
- The pork chop at the intersection of Boones Ferry Road will be mountable for emergency vehicles

City Parking Lot/Heron's Landing/Access to Street "A" and intersection with the

greenway:

- The accessway shown is 40-feet wide
- The multiuse path crossing is located south of the accessway
- The crossing will include striping and bump-outs
- The Heron's Landing Apartment access easement opposite the City staff parking lot access.
- A crosswalk on Street "A" adjacent to SW Boones Ferry Road

Attachment 102D -Exhibit G: Nyberg Street between the entrance of the site and Martinazzi Avenue: Cross section F-F

- A 4-6 foot planter strip with trees. This planter does not include curbs and streetlights, which are placed on the curb-tight sidewalk.
- A 5-6-foot curb-tight sidewalk on the north side of Nyberg Road
- A 6-foot bike lane
- Two 11-foot westbound travel lanes
- The north-south crosswalk across Nyberg Street will have a dedicated pedestrian/bicyclist-activated sequence

Attachment 102D - Exhibit H: Nyberg Street between the entrance of the site and I-5: Cross section G-G

- A ~~12-foot sidewalk~~ **minimum 12-feet for bike and pedestrian use** 12-foot sidewalk on the north side of Nyberg Road
- A 4-foot planter strip with curb, streetlights, and trees
- A 15-foot westbound right-turn lane
- ~~A 5-foot bike lane~~
- No proposed changes to the existing west and east-bound turn lanes
- A two foot landscape strip prior to a hand rail on top of a retaining wall, then a water quality pond

Seneca Street and the signal at SW Martinazzi Avenue

- Two 12-foot travel lanes
- One 14-foot center turn lane
- Two 6-foot bike lanes
- Two 8-foot parking strips
- Two 6-foot planter strips with curbs, streetlights, and street trees
- Two 6-foot sidewalks

Goal 6 Pedestrian and Bikeways: *To develop a pedestrian/ bicycle system linking the Urban Renewal Area to residential Areas, parks, natural areas, and to link the business district on the south side of SW Boones Ferry Road to the future business district on the north side of SW Boones Ferry Road.*

Change: One proposed condition was deleted to reflect changes that were made in Goal 5. A condition recommending a 12 foot multi-use path and a five foot on-street bike lane was modified in Goal 5 to allow the applicant to provide 12 feet of bicycle and pedestrian access in a configuration that is suitable for the subject site. To avoid confusion and duplication the previously proposed condition was deleted.

Proposed Conditions of Approval for Goal 6:

- a) All shared pathways shall be open to the public.

~~b) The Master Plan shall provide a 12' sidewalk with a curbside planter on the north side of Nyberg Street between the Nyberg Rivers access and the SW Nyberg Street overpass at I-5.~~

b) New or relocated buildings on the Nyberg Rivers site shall have bicycle parking facilities.

Goal 7 Transit: *To support the development of the metropolitan transportation system (Tri-Met) in order to provide alternative transportation modes for the residential and employment population of the Urban Renewal Area.*

Change: Additional analysis recognizes this site is within the boundaries of the Southwest Corridor Plan which identifies the need for improved transit service. The analysis acknowledges that in the future transit connections might become available to provide alternative transportation modes for residents and employees in the area of the proposed development. The analysis also acknowledges that the Master Plan provides bicycle and pedestrian connections to existing transit stops on Martinazzi Avenue and Boones Ferry Road. No additional conditions are proposed.

Goal 8 Utilities: *To assist in providing public utilities in the Urban Renewal Area as needed to facilitate growth and aesthetic quality.*

Change: The applicant proposes to treat all stormwater with mechanical filters. The analysis was modified to recognize the value of vegetative treatment of stormwater and request the applicant to explore these options where possible.

Proposed Conditions of Approval for Goal 8:

a) The development should explore vegetative treatment of stormwater where possible.

Goal 9 Parks: To provide a high-quality park and recreation system to offset the environmental effect of large areas of commercial and industrial development.

No changes proposed.

Goal 10 Flood Protection: To promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions.

No changes proposed.

Proposed Conditions of Approval for Goal 10:

a) No increase in the 100-Year Floodplain associated with improvements to public "Street A" and SW Seneca Street.

Goal 11 Design Considerations. *To create an atmosphere in the Urban Renewal Area which is aesthetically pleasing in order to promote the desirability of investment and occupancy in properties.*

Change: In response to concerns from the applicant and their anchor tenant, staff reanalyzed the need for a public entrance and windows on the north side of Building

1040. A determination was made that a public entrance on the north side or northeast corner of the building is not necessary to meet Goal 11. To reflect this analysis one condition was removed that required an additional public entrance on the north side of the building. However, an existing condition remains in place recommending additional windows and architectural features on four sides of this building and four other buildings as described in the conditions of approval listed below.

Proposed Conditions of Approval for Goal 11:

~~a) Building 1040 shall have public entrance and windows on the north sides or at the northeast corner of the building.~~

a) There shall be additional window and architectural features that break up the building mass and add architectural interest on each of the four sides of Buildings 1040, G-100, H-100, J-100 and N-100.

b) Building 1040 shall have variations in building height, additional gabled roof feature, canopy feature, entry feature, dimensional wall feature such as columns or pilaster and projected entries, show larger window and entry areas and show diversity in the exterior wall design and material on all four sides of the building.

c) The loading and service facilities for the existing Michaels (Building D2) and new Buildings 1005, 1010 and 1040 shall provide adequate visual and noise buffering for the benefit of nearby public areas and residential areas.

d) If the Council determines that "diamond" style planters in the parking areas are not acceptable, then:

11.d.1) Interior parking lot landscape islands that separate groups of parking stalls shall extend for the length of parking stalls (18.5 ft. for standards stalls/13.5 ft. for subcompact stalls) separated by the required planters.

Or, if the Council determines the "diamond" style planters in the parking areas are acceptable, then:

11.d.2) the applicant may utilize the planters as proposed in as proposed in Attachment 102A and 102D to meet the parking lot landscaping island standards of TDC Chapter 73.360.

e) When oversized vehicle parking stalls occupy or replace standard parking stalls proposed in the Master Plan, the total number of parking stalls and the dimensions shall be adjusted accordingly to reflect the revision.

f) The applicant shall provide a tree maintenance plan for all trees on the Nyberg Rivers site and a tree preservation plan that establishes protection of trees on the former Nyberg House site (tax lot 2502). Where tree preservation is not possible, provide 3" caliper or 10-12 foot replacement tree plantings of a similar character in the vicinity of where trees were removed on Tax Lot 2502.

g) Provide an additional 15 Douglas Fir, Western Red Cedar, or other tall-maturing conifer tree plantings in the landscape plan for location on the site's eastern frontage along I-5.

h) The applicant's proposed Nyberg Rivers Sign Program is not in the purview of the Master Plan and is not approved.

Next Steps

1. A public hearing is also scheduled for August 7, 2013 to review a Conditional Use Permit to allow retail sales on the Commercial Office portion of the Nyberg Rivers site and to allow outdoor sales on the Central Commercial portion of the site.
2. If the Master Plan is approved, the applicant can submit an application for an Architectural Review that will be reviewed in a public hearing before the Architectural Review Board.
3. Simultaneously, the applicant can submit for a Public Facilities decision administered by the City Engineer.
4. The applicant intends to start construction this fall with a goal for grand opening in Fall of 2014.

OUTCOMES OF DECISION:

Approval of the Master Plan (MP-13-01) request will result in the following:

1. The Nyberg Rivers Master Plan meets the requirements of the Central Urban Renewal District Plan for approval of a Master Plan and allows the applicant to submit applications for Architectural Review of the project.
2. The Conditional Use Permit application can be reviewed in the scheduled public hearing.
3. The project will be subject to the Master Plan approvals and conditions of approval adopted by the Council. The approvals and requirements of the Master Plan decision will be addressed in the project's Architectural Review.

Denial of the Master Plan (MP-13-01) request will result in the following:

1. As required in the Central Urban Renewal District Plan, the applicant will be unable to obtain Architectural Review approval of the proposed Nyberg Rivers project until a Master Plan is approved by the Council, and unable to construct new development or redevelopment.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Approve the proposed Nyberg Rivers Master Plan (MP-13-01) with conditions that the Council deems necessary to satisfy the Goals and Objectives of the Central Urban Renewals District Plan (CURD Plan).
2. Deny the request for the proposed Master Plan (MP-13-01) with findings that state which CURD Plan Goals and Objectives the applicant fails to meet.
3. Continue the discussion of the proposed Master Plan and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Fiscal Year 2013/14 budget allocated revenue to process current planning applications, and the applicant submitted payment of \$325.00 per the City of Tualatin Fee Schedule to process the application.

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- Attachments:** 201 - Amended Analysis & Findings
 202 - City Staff Presentation
 203 - City Traffic Consultant Presentation
 204 - CenterCal Additional Information

ATTACHMENT 201

MP-13-01: AMENDED ANALYSIS AND FINDINGS

NOTE: New text added after July 22, 2013 is indicated in Red Underline Text
Deleted text after July 22, 2013 is indicated by ~~Strikethrough~~

The Central Urban Renewal District Plan Central Urban Renewal District requires development or redevelopment within certain Central Urban Renewal District Central Urban Renewal District Blocks to obtain Master Plan approval in a public hearing prior to submitting for Architectural Review. The Nyberg Rivers project is located in Central Urban Renewal District Blocks 1-4 and prior to approval of development on the project site, the applicant is required to obtain approval of a Master Plan governing development on the site.

On April 23, 2013, CenterCal submitted an application for the Nyberg Rivers Master Plan (MP-13-01) as Attachments 102B and 102C. On May 22, the application was deemed complete and staff provided early feedback on the proposal to the applicant. In response to this feedback, the applicant submitted an addendum on June 24, 2013 included as Attachments 102A and 102D. The addendum provided updated plans and a response to issues and questions raised by Staff during the application review process.

The Applicants prepared a narrative that explains the proposed Nyberg Rivers Master Plan and addresses the Central Urban Renewal Plan Goals and Objectives as well as relevant Tualatin Development Code and Tualatin Municipal Code development standards (Attachments 102B, 102C and 102D). Staff has reviewed the Applicants' material and included pertinent excerpts below.

CENTRAL URBAN RENEWAL DISTRICT MASTER PLAN

The Central Urban Renewal Plan states that prior to approval of applications such as Architectural Review for development projects within Central Urban Renewal District Blocks 1, 2, 3, 4, 5, 13, 25, 26, 27, 31, 32, and 33, applicants are required to submit and gain City approval of a master plan governing development within the Blocks. "Such master plan shall contain sufficient information, as determined by the City, to ensure that development meets the objectives of the Plan. Master plans may include, but are not limited to, treatment of such issues as access, transportation, sewer, water, storm drainage, internal circulation, building location, building design and materials, parking, landscaping and pedestrian facilities." (Attachment 103).

Master plans, as well as subsequent modifications to those plans, must be approved by the City Council at a public hearing. In approving a master plan, the City Council may attach conditions that it finds necessary to achieve the objectives of the Urban Renewal Plan.

The criteria for approving the Master Plan are found in the Central Urban Renewal District Plan Goals and Objectives. There are eleven (11) Goals and Objectives to consider, which consist of such items as transportation and pedestrian functions, building and landscape design, and utilities, among other considerations.

Staff reviewed the application with respect to each of the Central Urban Renewal District Plan Goals and Objectives. Where Staff found the Master Plan proposal failed to meet a particular Goal and Objective, a condition or action to meet that Goal is proposed.

Generally, the Nyberg Rivers Master Plan as proposed in Attachments 102A-D meets the goals and objectives of the Central Urban Renewal District Plan if the proposed conditions of approval are applied. The following is a summary of the analysis of the Master Plan as it relates to each Central Urban Renewal District Plan Goal and Objective. Staff's complete analysis and findings, along with the recommended conditions, are contained in Attachment 104 with supporting material in Attachment 105.

SUMMARY OF PROPOSAL

CenterCal, owners of the Bridgeport Village and Nyberg Woods retail centers proposes a commercial center project to redevelop the former Kmart site and adjacent properties. The proposed redevelopment will encompass a net development area of approximately 26 acres on the 32 acre Primary Development Area. The proposal includes demolition of three existing buildings (including the former Kmart building, the Wendy's Restaurant, and the Jiggles Restaurant), construction of seven (7) new buildings (treating attached tenant buildings 1005, 1010 and 1030 as one building), access and public facilities improvements, parking, pedestrian, bicycle, and landscaping improvements. Five existing buildings including the Michael's store building, the US Bank building, Banner Bank building, and the Multi-tenant Buildings A and B will remain.

CenterCal also submitted an application for a proposed Conditional Use Permit (reviewed in a separate hearing as CUP-13-04) to apply to the Nyberg Rivers project to allow retail uses in the Office Commercial (CO) Planning District and allow outside sales in the Central Commercial (CC) Planning District.

The Nyberg Rivers Master Plan application documents provide narrative and graphic information on the proposed concept including concept site plans, public facilities concepts, concept building designs and greenway and natural areas adjacent to the sites frontage on the Tualatin River.

CenterCal has also submitted an application for a Conditional Use Permit (reviewed in a separate hearing as CUP-13-04) for the Nyberg Rivers project to allow retail uses in the Office Commercial (CO) Planning District and allow outside sales in the Central Commercial (CC) Planning District.

SITE DESCRIPTION

The proposed Nyberg Rivers redevelopment project will be located on the existing Mercury Development/ (former) Kmart/Schatz Furniture shopping center (see Attachment 102B, page 153; Attachment 102C, page 5; Attachment 102D, Exhibit A) with a portion of the undeveloped north tax lot 2700, two parcels (2508 & 2502) where the Jiggles restaurant is located and a segment of Oregon Department of Transportation Interstate I-5 Exit 289/Nyberg Street interchange property.

The properties are in the Central Commercial (CC) Planning District, the Commercial Office (CO) Planning District and a small portion of the High Density Residential (RH) Planning District.

The Nyberg Rivers site encompasses Central Urban Renewal District (Central Urban Renewal District Central Urban Renewal District) Blocks 1, 2, 3 and 4 (segment) where a Master Plan is required with redevelopment. Public street concepts and pedestrian facilities are shown on the City of Tualatin City Hall/Library campus property which is in Central Urban Renewal District Block 5.

The Nyberg Rivers site is at the northwest corner of the I-5 Freeway Exit 289/Nyberg interchange, has extensive frontage adjoining the I-5 Freeway property and includes Tualatin River Greenway frontage where public access and natural area enhancements are identified. It is on the eastern edge of downtown Tualatin. To the west, the City Hall/Library campus directly abuts the site and the Lake of the Commons is nearby. The Fred Meyer Shopping Center and the recently installed Gateway Feature are located south of the site. Nyberg Street and Tualatin-Sherwood Road adjoin the site to the south and will provide the primary access to the development. Martinazzi Avenue is west of the site and SW Boones Ferry Road is at the northwest corner. Both of these streets are intended to provide secondary access to the development.

The following description of the project is excerpted from the Nyberg Rivers Master Plan-Presentation Document (Attachment 102C, pages 8-9).

- “The Nyberg Rivers Master Plan is conceptualized as a multi-tenant shopping center redevelopment project.”
- “The Primary Development Area will be redeveloped to support traditional shopping center related uses. These land uses include, but are not limited to, retail, restaurant, banks, health clubs, and service uses. General Office and Medical Office land uses may also be included within the shopping center. Drive-through service windows will be retained for Buildings A, B, C, and E. Building F-100 is a relation of an existing restaurant with drive-through use. A new drive-through service window will be constructed as part of H-100.”
- “The Primary Development Area will be redeveloped by retaining some existing buildings and constructing other new buildings, parking areas, and site amenities. The Primary Development Area will retain the existing buildings for the western portions of the site. This includes buildings A, B, C, D, and E.”
- “The eastern portions of the project will include new construction of buildings F-100, G-100, H-100, J-100, M-100, N-100, 1005, 1010, 1030, and 1040. F-100 is

relocating an existing drive through restaurant use. Building D will include façade improvements to architecturally match and complement the new buildings in the center.”

- “The Master Plan allows up to 307,000 sf of building area within the Primary Development Area (includes 13,328 sq. ft. of “potential building area” - Attachment 102A). The building areas are listed on the Project Summary table of the Development Plan. The Development Plan identifies 9,193 sf of additional potential building area (Attachment 102D, Exhibit A indicates 13,328 sq. ft.) that can be applied as minor additions and/or adjustments to the building footprints at the time of site plan review (Architectural Review).”
- “The Primary Development Area will be redeveloped to retain much of the existing parking in the western portions of the project. Some of the western parking fields will be enhanced to improve site appearance, pedestrian and vehicular circulation, parking capacity, and overall efficiency. The residual areas of the Primary Development Area will be developed with new parking fields. New and enhanced parking areas will be constructed to comply with current code standards in terms of dimensional standards, layout, landscaping, circulation, and pedestrian facilities.”
- “The Primary Development Area will be redeveloped with a combination of existing and new vehicular access points; five primary access points will occur from Nyberg Street, Seneca Street and a new Street “A”. Secondary access points will be retained along Martinazzi Avenue. Overall, the project is designed to be integrated with the surrounding transportation network and abutting uses.”
- “The sidewalks located along the primary storefronts of Buildings D, 1005, 1010, 1030, and 1040 will create a premium pedestrian experience. This pedestrian area is designed as an extension of the downtown core and will function as a primary shopping street completed with wide sidewalks, outdoor seating, landscape planters, and other pedestrian amenities. This area provides the ability to extend the existing Art Walk to the east. Designated pedestrian pathways are designed across the parking fields to provide linkages to the adjoining roadway and all buildings within the development.”

ITEMS REQUESTED FOR MASTER PLAN APPROVAL

The Nyberg Rivers Master Plan Addendum 1 (Attachment 102A, page 5) states:
“CenterCal is seeking master plan and conditional use approval for all uses shown on the updated Site Plan included with this letter.

The following items requested for approval are not within the purview of the Master Plan review process and are not approved with the Master Plan decision:

- Approve and permit retail uses within the Office Commercial (CO) designated portions of the property.
- Approve and permit outdoor sales within the Central Commercial designated portion of the property.
- Approve right-of-way vacation of the Oregon Department of Transportation property along Nyberg Road.

- Approval of any modification of land uses.
- Acceptance by the City of any easements or other land transactions for pedestrian or transportation facilities.
- A decision on whether to adopt a separate review procedure for the Master Plan
- Approve the Nyberg Rivers alternate sign program.

ANALYSIS & FINDINGS-MASTER PLAN

The following analysis addresses the Central Urban Renewal Plan Goals and Objectives (Attachment 103) with respect to the Master Plan Requirements of the Central Urban Renewal District Plan and the development concepts requested in MP-13-01. The Analysis and Findings are based on:

1. The Application materials including the narrative, revised plans, updated traffic information, and other information in Attachments 102A, 102B, 102C and 102D.
2. The application material in Attachment 102B and the Application Presentation Document in Attachment 102C that are not revised by Attachments 102A and 102D.

The overall goal of the plan is: To strengthen the social and economic development of central Tualatin by stabilizing and improving property values, eliminating existing blight, and preventing future blight; and to encourage and facilitate land uses, private and public, that result in activity during all business hours, evenings, nights, and weekends; and to encourage indoor and outdoor uses.

How does the proposal succeed in meeting this goal?

The Nyberg Rivers Master Plan proposes to redevelop an underutilized shopping center with new construction and new tenants in an effort to enhance and reinvigorate this commercial area. The proposal features a strong commercial component including a new mix of upgraded tenants, a large retailer and an assortment of small and medium sized retail and restaurant uses. The now vacant K-Mart and the existing Jiggles restaurant are proposed to be demolished. In addition to the commercial aspect of the project, the applicant is proposing outdoor plaza space and amenities, pedestrian and bicycle paths, and new private roadway connections that resemble public streets with sidewalks or multiuse paths, planters and curbs.

Other proposed concepts help the Master Plan satisfy this goal. The applicant is proposing to construct a new roadway connection to Boones Ferry Road with bike lanes and sidewalks called "Street A". CenterCal is proposing an enhanced site access driveway to Nyberg Road that will feature a 14-foot wide multi-use path on the west side of the drive aisle. This enhanced access will better accommodate vehicular queuing and demand. They are proposing to preserve east-west and north-south travel ways that will provide vehicular and pedestrian access through the site. Additionally they are proposing new bikeway connections along the perimeter of the site.

The site serves as a gateway to the City and eastern extension of downtown. A redeveloped center will contribute to the social and economic development of central

Tualatin by improving property values. The proposed Master Plan includes aspects that will encourage activity during business hours, evenings, nights and weekends. Plaza spaces will encourage outdoor activity.

How can the proposal improve to meet this goal?

While this proposed Master Plan presents a welcomed opportunity to redevelop the eastern extension of downtown and it is a positive step toward meeting this overall goal there are several areas that could be improved. Conditions of approval were identified through the analysis of the proposal and the remaining 11 goals. With the application of the conditions of approval discussed in each section pertaining to a goal, the proposal will meet this overall goal.

GOAL 1: Commercial Development.

To encourage and facilitate commercial development in the Urban Renewal Area with an emphasis on establishing a visible and viable central business district that encourages community and business activity on weekdays, evenings and weekends.

How does the Nyberg Rivers Master Plan proposal succeed in meeting Goal 1?

1.1 Drive-thru Facilities. The Master Plan shows a new building H-100 identified as a drive-through restaurant (Attachment 102A). The Nyberg Rivers center currently has three drive-through banks and one drive-through restaurant (Wendy's). The proposed H-100 building would result in five drive-through uses. Having more drive-thru facilities is inconsistent with the Central Urban Renewal District Plan vision of the west of I-5/KMart/Tualatin Civic Center area that is considered an eastern extension of downtown Tualatin. Drive-thru bank and restaurant uses with auto-queuing lanes and outside order/window services are typical of traditional auto-oriented shopping centers and not the pedestrian oriented downtown envisioned in the Central Urban Renewal District Plan. Drive-thru restaurants are not conducive to pedestrian friendly developments, creating pedestrian crossing conflicts and auto exclusive areas that discourage people from walking between buildings and connecting to public walkways. This is not supportive of Goal 1 and objectives to achieve a visible and viable central business district.

Drive-thru facilities also present an auto-dominated appearance to the public, both on the site and from the public streets. Both the proposed F-100 (relocated Wendy's) and the H-100 Building restaurant drive-thru windows are shown on the Master Plan site plan facing a public street or the I-5 property frontage. The auto-dominated development appearance is especially a concern in the vicinity of the I-5 Nyberg Interchange which serves as a gateway for many residents and visitors to Tualatin. This is not supportive of Goal 1 and objectives to achieve a visible and viable central business district.

In a June 3, 2013 letter, Staff asked the applicant to reconsider the addition of a new drive-through use in the Nyberg Rivers. In reply (Attachment 102D, pages 8 & 19), the applicant notes that drive-thru uses are not restricted in this area of the Central Urban Renewal District or in the CC Planning District outside of the Central Design

District. The applicant states that the proposal for the addition of a drive-thru restaurant will be considered.

Additional drive-thru restaurant uses are not supportive of Goal 1. *Staff recommends the Master Plan approval include the following a-condition:*

Goal 1

- a) *Limiting the number of drive-thru facilities in the Nyberg Rivers development to no more than four and design any new or re-located drive-thru facilities so the service windows and service aisles are oriented away from public streets.*

1.2 Parking on High Density Residential Land. The applicant proposes to locate parking stalls that serve the development and a portion of the shared pathway easement on land designated High Density Residential (RH) on Central Urban Renewal District Block 4. The Central Urban Renewal Plan section 1(F) states:

“Land Use within the Urban Renewal Area is governed by the Planning District Standards contained in the Tualatin Development Code... In some cases, the Plan calls for additional considerations to be applied to those land uses within the Urban Renewal Area.”

Table 3 High Density Residential of the Central Urban Renewal Plan states:

“Within the Urban Renewal Area uses permitted may be mixed with uses permitted in the Central Commercial Planning District.

Parking lots are a permitted use in the Central Commercial (CC) Planning District (TDC 53.020(33)). Permitted uses in the High Density Residential (RH) Planning District include bike and pedestrian paths (TDC 43.020(3)). The applicant is proposing to mix uses permitted in both the RH Planning District and the CC Planning District. Therefore, the proposed parking stalls are allowed on land designated RH.

How can the proposal improve to meet Goal 1?

Staff recommends that with the above recommended conditions in 1-1 and 1-2, the proposed Nyberg Rivers Master Plan will satisfy Central Urban Renewal District Plan Goal 1.

GOAL 2: Housing

To encourage multi-family housing in the Urban Renewal Area as supportive of commercial development.

How does the Nyberg Rivers Master Plan proposal succeed in meeting Goal 2?

2.1 Impact on Housing. The Central Urban Renewal District Goal 2 calls for residential development supportive of commercial development in the downtown area. Housing itself is supported by an attractive, well connected, and adequately served downtown area. Commercial development that is attractive to neighboring residential properties, that is well connected to public ways and to service and shopping opportunities is important to the viability of downtown residential development. The proposed Master Plan shows the main Nyberg Rivers building has no entrances, no windows on the north elevations facing the neighboring residential development to the north. The north elevation is primarily a loading and service area, facing directly to the Tualatin River and the Heron's Landing Apartments.

2.2 The relationship of the Nyberg Rivers development site design, building design and pedestrian connectivity to residential uses in the downtown is discussed further with Central Urban Renewal District Goals 4, 5, 6 and 11. The applicant has proposed connections from the Shared Pathway Easement to Heron's Landing Apartments to the north. These connections will provide access to the proposed development including pedestrian and bicycle paths that connect to the City Hall and Library Campus. Additionally, the proposed Street "A" will provide connections from the residential development to the western portion of downtown via a 12-foot multi-use path that leads to Boones Ferry Road. These pedestrian and bicycle paths provide connectivity to existing and future residential development in the downtown area such as in the Tualatin Commons. ~~To support Central Urban Renewal District Goal 2-Housing, Staff recommends the Master Plan approval include condition s requiring the Nyberg Rivers Site design and building design to provide attractive and pedestrian-oriented features including accessways and pathways that will connect to existing and future residential development in the downtown and specifically to the adjoining Heron's Landing Apartments property.~~

How can the proposal improve to meet Goal 2?

Goal 2 is met.

~~Staff recommends that the proposed Nyberg Rivers Master Plan meets Central Urban Renewal Plan Goal 2 with the recommended condition of approval requiring for attractive and pedestrian-oriented connections to residential development.~~

GOAL 3: Industrial Development

To promote new industrial development in the southwestern portion of the Urban Renewal Area which is compatible with existing development; and to encourage retention and expansion of existing industries in the northern and southwestern portions of the Renewal Area.

How does the proposed Nyberg Rivers Master Plan succeed in meeting Goal 3?

The Nyberg Rivers development is a commercial development and is not related to industrial land or industrial development in the Central Urban Renewal District Central Urban Renewal District. Central Urban Renewal District Goal 3 does not apply to the proposed Nyberg Rivers Master Plan.

GOAL 4: Civic Development

To promote civic facilities, including community gathering spaces and other pedestrian amenities, a community center, library expansion and a City Hall in the Urban Renewal Area, which is supportive of other civic and private uses in the area.

How does the Nyberg Rivers Master Plan proposal succeed in meeting Goal 4?

4.1 Tualatin River Greenway Trail. The Tualatin River Greenway Trail is shown on the Nyberg Rivers Pedestrian and Bicycle Plan (Attachment 102D, Exhibit L) as the northern Shared Pathway running east and west from the I-5 bridge through the Natural Area, crossing Street “A” and continuing north along the west side of Street “A” until it connects with Boones Ferry Road. The Trail provides a linkage between the east side of Tualatin residential, commercial, institutional and public park areas and the civic and commercial areas in Downtown Tualatin, including the City Hall/Library Campus, the Tualatin Commons and Community Park.

The Greenway Trail is addressed again under Goal 6 Pedestrian and Bikeways in 6.1 and under Goal 9 Park and Recreation System in 9.2. With the improvements recommended under Goal 6 and Goal 9, the Tualatin River Greenway Trail elements of the Master Plan will meet Goal 4.

4.2 Public Spaces. The Nyberg Rivers plans show a plaza (public space) between Building 1030 and the west corner of Building 1040 (Attachment 102D, Exhibit A, Q1). This is the intersection of the north-south bicycle and pedestrian aisle/accessway that passes between the buildings and the east-west walkway that extends across the south-facing elevations (facing the parking lot/SW Nyberg Street) of the main building storefronts (Attachment 102D, Exhibits A, & Q1). The proposed “Multi-Function Open Plaza” (Exhibit Q1 plan) shows seating, canopies, awnings, landscape planters, water, fireplace and statuary features. The width of the open portions of the plaza ranges from approximately 20 ft. to 30 ft. with 10 ft. to 12 ft. wide aisles within the plaza. The area of the plaza is estimated as 6,400 sq. ft.,

including the outdoor dining area associated with Building 1030 (food & beverage), raised planters and sculpture/feature pads.

The application also depicts the east-west building front walkway that extends across the building storefronts from Building D1/D2 on the west (Michaels store) to the east corner of Building 1004 as a plaza (Attachment 102D, Exhibit A, Q1 & Q2 plan). The walkway area in front of Buildings 1030, 1010, 1005, D2 and D1 includes raised planters, seating, sculpture features, canopies and outdoor dining/outdoor sales areas associated with the grocer and retailer storefronts. The width of the east west walkway/plaza surface is approximately 12-16 ft. while the passage way for pedestrians ranges from 8 ft. to 16 ft. taking into account raised planters, trees, and space devoted to dining/ retail activities.

A review of the dimensions and features of the plaza and the plans indicates:

- Potential conflicts with bicycles and pedestrians passing through the narrow sections of the proposed plaza and the walkway plaza. Adequately sized passages between objects and structures located in the plaza are necessary to allow circulation of bicycle and pedestrian users that are traveling through the plaza area between the stores or on the bicycle and pedestrian paths that connect to public areas and ways such as the Tualatin River Greenway, Civic Center and south of SW Nyberg Street.
- Conflicts between the features of the plaza and the space available as usable space for the public to enjoy. The ability of the public to pause, move around, and gather in the designated plaza is limited by the constraints of the physical layout and features of the plaza area.
- The proposed Building 1040 “outside sales” area on the south elevation of Building 1040 (Attachment 102D, Exhibit I) (proposed in Nyberg Rivers Conditional Use Permit CUP-13-04) is shown occupying a significant portion of the Multi-Function Open Plaza shown in Attachment 102D Exhibits A, Q1, Q2. ~~The proposed outside sales area also occupies approximately 12 ft. of the 22 ft wide paved walkway surface between the Building 1040 south exterior wall and the abutting drive aisle.~~ This conflict reduces the viability, safety and desirability of a public outdoor space.

The Applicant addresses Goal 4 stating: (Attachment 102D, pages 9-10, 22)

“The applicant has proposed a plaza on site as well as a network of streets and sidewalks that provide community gathering spaces and pedestrian amenities. These gathering spaces and pedestrian amenities are best displayed within the Nyberg Rivers Master Plan document under the Pedestrian & Bicycle Plan and the Southern Building Elevations (Attachment 102D, Exhibit A, L, P, Q1, Q2). Amenities include cove and bench seating, patios, tree grates, sculptures, water features, a pedestrian promenade, and larger sidewalks to promote pedestrian interaction and safe access through the central shopping corridor, as well as linkage to the north/south pathways into and through the parking areas and

remainder of the site. All of these elements combine to create a sense of place to invite users into and through the site during all hours of the day.”

The public outdoor plaza area shown on the Nyberg Rivers Master Plan (Attachment 102D, Exhibit A, Q1, Q2) provides a relatively limited amount of public open space and gathering space within the 26 acre development area of the site, leaving the remainder to buildings, commercial tenant spaces and parking areas. The design and dimensions of the plazas and the arrangement of uses create conflicts with the public functions of the Nyberg Rivers outdoor spaces and linkages for bicycle and pedestrian users. With the recommended design modifications to reduce conflicts and expand the public spaces available, the public gathering places on the proposed Nyberg Rivers Master Plan site and the proposed pedestrian and bicycle connections to the nearby civic facilities will provide a public benefit consistent with Goal 4.

To meet Goal 4, the currently proposed public spaces and plazas should be revised to make the public outdoor spaces larger by 50% or more (of the proposed public portion of the estimated 6,400 sq. ft. shown in Attachment 102A) in order to contribute to community gathering spaces. The proposed “outside sales areas” should be relocated or reconfigured to avoid interference with the public plaza and walkways. Public spaces and ways that are intended for a mix of pedestrian and through bicycle use should be a minimum of 12 ft. in width.

Staff recommends Master Plan conditions of approval requiring:

Goal 4

1. a) Recreational equipment, apparel and sports outfitting sales are prohibited in areas identified as public gathering, multi-function open plaza and plaza seating with fire pit on Attachment 102D page 60 Building Frontage landscape plan.
2. ~~The proposed “outside sales areas” should be configured to provide a minimum of 12 feet in clear, unobstructed width for public gathering spaces, accessways and walkways measured from the edge of an “outside sales area”, and;~~
3. b) A minimum of 12 feet of clear, unobstructed width for walkways or accessways through a plaza or along the building frontage between Building D1 on the west and southeast corner of Building 1040 on the east northeast corner of the public gathering, multi-function open plaza seating with fire pit on Attachment 102D page 60 Building Frontage landscape plan.

4.3 Connections between Private and Civic Facilities.

The Central Urban Renewal District Plan identifies the Nyberg Rivers site as part of the Tualatin Downtown and its adjacency to the Tualatin Library and City Hall campus on the Martinazzi Avenue side. The proposed Master Plan indicates pedestrian and bicycle circulation that connects the Nyberg Rivers site to the City Hall campus and subsequently the western portion of downtown Tualatin (Attachment 102D, Exhibit L). Specifically, a shared pathway easement is shown on the west side of Street “A” continuing south and terminating at a pedestrian route

just to the east City property. Two pedestrian routes are shown, one on the north side and one on the south side, of the private continuation of Seneca Street. Bike lands roposed by the developer are also show on the north and south sides of a future Seneca Street. These circulations routes clearly demonstrate a connection between the proposed development and civic facilities. does not clearly show or explain the project's pedestrian and bicycling improvements and connections to downtown, to the Tualatin Commons area or providing adequate pedestrian and bicycling linkages from the Nyberg Rivers commercial development to the public plaza and Library entrance features of the City Center Campus. Without adequate linkages between private and civic facilities, Goal 4 is not met.

Staff recommends a Master Plan condition of approval requiring pedestrian linkages across the Tualatin Civic campus between the main Nyberg Rivers development and Martinazzi Avenue via the SW Seneca Street or other approaches.

4.4 Loading & Delivery Truck Routes through Civic Facilities.

The proposed Master Plan indicates loading and services facilities on the north side of Buildings D1, D2, 1005, 1010, 1030 and 1040. The proposed loading and service truck route ("Primary Truck Circulation") (Attachment 102D, page 44) shows trucks accessing SW Martinazzi (via existing easement or a SW Seneca extension) and SW Boones Ferry Road (via proposed "Street A') through the Library/City Hall Campus. Trucks using these routes are a significant conflict for the Library and City Hall functions, public plazas and the public that use them. With the conflicts that commercial trucks are for the safety and the pedestrian environment of the civic facilities, Goal 4 is not met.

To meet Goal 4, Staff recommends:

Goal 4

c) Remove the Truck Route designations from Street "A" and Seneca Street in order to eliminate impacts to the Library/City Hall Plaza, Shared Pathway, and other pedestrian crossings of these roads and drive aisles.

How can the proposal improve to meet Goal 4?

Staff recommends that the proposed Nyberg Rivers Master Plan can meet Central Urban Renewal District Plan Goal 4 with the recommended conditions for improved public spaces, pedestrian connections and civic space connections in 4.1, 4.2 and 4.3 and addressing the truck route conflicts with civic facilities in Section 4.4.

GOAL 5: Transportation

To provide transportation access and circulation which is supportive of central area development.

Objective A- Support the implementation of transportation improvements described in the Transportation Element of the Tualatin Community Plan and Transportation System Plan.

How does the Nyberg Rivers Master Plan proposal succeed in meeting Goal 5?

5.1 Traffic Impact Analysis (TIA) – The TIA was submitted as part of the Master Plan; two additional addendums were also submitted to address staff questions during the review process. Based on the size of the development and the location, the TIA submitted analyzed 14 existing intersections. They are shown on page 207 of MP-13-01 Attachment 102B. The City of Tualatin contracted with DKS & Associates to conduct supplemental traffic analysis concerning the Nyberg Rivers proposed development. DKS has reviewed the April 2013 Transportation Impact Analysis (TIA) submitted by Kittelson & Associates and prepared comments concerning deficiencies in that analysis (Attachment 105). Staff review and additional DKS & Associates review of the Traffic Impact Analysis determined that the development should be required to show the proposed Seneca Street extension and signal at Martinazzi Avenue are needed to serve the Nyberg Rivers Master Plan area.

- 1) DKS reviewed the Nyberg Rivers Master Plan, and recommend that an alternative trip generation estimate be used for this proposed development. Rather than treating all uses the same, as was done in the April 2013 TIA, they believe that two uses in several elements of the proposal are significantly different from a typical shopping center use. They are the grocery store and the proposed new drive-thru restaurant use. When these uses are treated separately, the resulting net increase in traffic generation for the development's new uses is 376 to 438 trips higher than estimates in the applicant's TIA report.
- 2) ODOT reviewed the submitted information for their facilities (I-5 and Nyberg Street). Based on the analysis performed by ODOT, the proposed improvements mitigate the impact of the development on ODOT facilities. Sufficient right-of-way exists; however, final design may indicate the need for additional right-of-way refinements and adjustments to the site plan to accommodate public improvements. (Attachment 106)
- 3) Washington County also reviewed the information and they have provided a list of conditions and measures to mitigate impacts on Nyberg Street and Tualatin-Sherwood Road (please see attached comments from Washington County). Final design may indicate the need for additional right-of-way. (Attachment 106)

- 4) The applicant's traffic consultant does not draw any conclusions on the adequacy of the existing City driveway/easement taking into account the traffic generation from the proposed development, other driveway closures, and queuing issues on Martinazzi Avenue. Therefore, the City requested DKS further analyze the interaction between the operational results of the city access driveway when the Seneca St extension is not built, but the driveway south of City Hall is closed. The City specifically wanted to know whether the use of the volumes presented by the applicant in the April 2013 submittal or the volumes proposed in the DKS recommendation would change the resulting need to build or not build the Seneca extension. In further researching this issue, it is determined that the use of the applicant's April 2013 or DKS' volumes do not create a difference in results.

What does impact the results is the consideration of a two-stage or a one-stage crossing for westbound left turns leaving the site. A one-stage crossing assumes that vehicles making a westbound left turn from the city access would cross both the northbound and southbound lanes of travel in one movement. This would require gaps in both sets of traffic before vehicles can complete their turning movement and results in larger delay values as vehicles wait for an opening. A two-stage crossing assumes vehicles making the westbound left would first identify a gap in the northbound traffic and cross to the two-way center left turn lane. There they would position themselves and wait for a gap in the southbound traffic before completing their crossing movement.

It is recommended that this location be analyzed as a one-stage crossing for the following reasons:

- The northbound left turn 95th percentile queue at the intersection of SW Martinazzi/SW Boones Ferry Rd is reported as 325 feet. Based on measurements from Google Earth, this intersection is 285 feet north of the city access driveway. This illustrates that queues from the northern intersection utilizing the two-way left turn lane extend past the city access, effectively blocking its ability to be used to perform a two-stage crossing; and
- The striping for the two-stage crossing provides approximately 70 feet of storage space between the existing city access driveway and Seneca St intersections. While this is legally marked for use as a two-way left turn lane, we are not confident that every driver exiting the city access driveway would interpret it as such.

In analyzing this location as a one stage crossing, the intersection ~~which~~ will not meet applicable mobility standards under the opening year build scenario without the signalized Seneca St. extension. Review of the scenarios defined by the City

indicates the best operational environment is achieved with a signalized extension of Seneca Street into the proposed development and closure of the driveways south of City Hall and south of the Council Building. *The Master Plan should be approved with the condition that the proposed Seneca Street extension to the Nyberg Rivers site with a signal at SW Martinazzi Avenue are constructed to the standards of a Minor Collector Street.*

5.2 Transportation Improvements. Based on the proposal submitted June 24, 2013, the plans show an eastern extension of SW Seneca Street and Street "A" south from SW Boones Ferry Road (Attachment 102A, 102D). Both streets would connect to public access that continue from Street "A" south to the east end of SW Seneca Street, east to the main north/south drive aisle, then south to the main site entrance.

The Tualatin Transportation System Plan [and Tualatin Development Code chapters 11, 74, and 75](#) includes future Minor Collector streets within the project area including a Loop Road: a western extension of SW Seneca Street that would connect to a new street between the main site entrance as well as SW Boones Ferry Road plus SW Nyberg Road from the Kmart/Fred Meyer intersection to SW Martinazzi. SW Boones Ferry Road and SW Nyberg Road from I-5 to the Kmart/Fred Meyer intersection are classified as Major Arterials.

~~The preferred Minor Collector cross section includes:~~

- ~~• Two 12-foot travel lanes~~
- ~~• Two 6-foot bike lanes~~
- ~~• Two 8-foot parking strips~~
- ~~• Two 6-foot planter strips with curbs, streetlights, and street trees~~
- ~~• Two 6-foot sidewalks~~

~~In certain situations, the cross section can be reduced to:~~

- ~~• Two 11-foot travel lanes~~
- ~~• Two 5-foot bike lanes~~
- ~~• Two 8-foot parking strips~~
- ~~• Two 6-foot planter strips with curbs, streetlights, and street trees~~
- ~~• Two 5-foot sidewalks~~
- ~~• Instead of including a bike lane an alternate is to have a 12-foot wide sidewalk multi-use path.~~

Private streets with public access over the locations of the Loop Road instead of public streets are supported by:

- The submitted traffic study shows public access will function adequately.
- The cross-sections for the locations of the public access have “street-like” qualities.
- Future arrangements for maintenance will assure the continued functionality of the public access to public standards.

Allowing public access over the locations of the Loop Road are supported by the submitted Kittelson traffic study that shows public access will function adequately and the proposed cross sections for the locations of the public access have “street-like” qualities. The Loop Road collector is intended to provide public vehicular and pedestrian access through Urban Renewal Blocks 2 and 5 and the eastern portion of the City’s downtown core. The “street-like” cross-sections include characteristics of Minor Collectors like sidewalks and bike-lanes or multi use paths, planter strips or tree wells, streetlights, and through travel lanes. Parking is either available adjacent to planters and sidewalks within the “street-like” cross-section or within adjacent parking lots. Public access over the “street like” cross sections from the south end of Street “A” to the east end of SW Seneca Street to SW Nyberg Road and revised cross sections for private streets as detailed below are necessary to meet Goal 5. To achieve access and circulation supportive of the downtown area, recorded private access from all remaining lots to public right-of-way are necessary.

While none of the proposed onsite public streets and public access easements precisely meet the exact cross-section of a Minor Collector all of them include cross-sections with "street-like" qualities. The table below shows how the proposed cross-sections compare to the Minor Collector street standard. The proposed differences from preferred and minimum cross sections are identified below.

		Side-walks *	Planter	Parking Strips	Bike Lanes *	Travel Lane	Travel Lane	Bike Lanes *	Parking Strips	Planter	Side-walks *
TDC	Preferred	6'	6'	8'	6'	12'	12'	6'	8'	6'	6'
	Minimum	5'	6'	8'	5'	11'	11'	5'	8'	6'	5'
Proposed Cross-Sections	A-A	14'	-	-	0'	One 12' Two 11'	Two 12'	NA	-	NA	NA
	B-B	5'	6'	-	0'	13'	13'	0'	-	-	11-12'
	C-C	12'	4'	17.5'	0'	14'	14'	0'	17.5'	-	10'
	D-D	12'	4'	-	0'	12'	12'	6'	-	4'	5'
	F-F	NA	NA	NA	NA	11'	11'	6'	-	4-6'	5-6'

*A 12’ multi-use path may be substitute for the sidewalk and bike lane on either or both sides.

1. Throughout, parking strips on the roadway itself are not needed as the adjacent parking lot fulfills this need.
2. Cross-section A-A:
 - a. Pedestrian and bicycle facilities are not needed on the east side of the roadway, due to the lack of a crosswalk at this side of the intersection.
 - b. Bike lanes are not provided on the west side because a multi-use path is provided instead.
 - c. The turn lanes shown are only 11’ wide, due to the heavy truck movements at this location, the lanes should be 12’ wide.
3. Cross-section B-B:
 - a. The bike lane is not provided because a 12’ multi-use path is provided on the north side of this cross-section.

4. Cross-section C-C:

- a. There are no separate bike lanes on this cross-section but there is both a multi-use path and a sidewalk on the west side.

5. Cross-section D-D:

- a. The planter strip is 2' smaller than the minimum; this does not affect the functionality of the public street.

6. Cross-section F-F:

- a. The not applicable is shown because; the development only needs to deal with the north side of Nyberg Street.

		Side-walk*	Plant	Bike Lanes *	Travel Lanes	Travel Lanes	Center Turn Lane/ Landscape Median	Travel Lanes	Travel Lanes	Bike Lanes *	Plant	Side-walk*
TDC	Prefer	6'	6'	6'	12'	12'	14'	12'	12'	6'	6'	6'
	Min.	5'	6'	5'	12'	-	14'	-	12'	5'	6'	5'
Proposed Cross-Sections	E-E	6'	6'	6'	12'	12'	14'	12'	12'	6'	6'	6'
	G-G	NA	NA	NA	NA	NA	NA	NA	15'	5'	4'	6'

*A 12' multi-use path may be substitute for the sidewalk and bike lane on either or both sides.

7. Cross-section G-G:

- a. The planter strip is 2' smaller than the minimum; this does not affect the functionality of the public street.
 b. The not applicable is shown because; the development only needs to deal with the north side of Nyberg Street.

~~Attachment 102D Exhibit B: Cross Section A A, Nyberg Main Entry~~

- ~~• The east planter strip varies between 4 to 7 feet and is adjacent to the parking lot.~~
- ~~• There is no bike lane or sidewalk on the east side. As there is no crosswalk across SW Nyberg Road at the main site entrance on the east side, this is appropriate.~~
- ~~• The west side includes a 14-foot multi-use path with 5-foot tree wells adjacent to the travel lanes and a 4-foot planter adjacent to the parking lot. The planter strip includes streetlights. The streetlights should be in line with the tree wells adjacent to the travel lanes.~~
- ~~• The southbound left turn lane widths are shown to be only 11 feet wide. This is a concern since this is the main truck route out of the site. The lane widths should be 12 feet wide in the Public Works Permit submittal.~~

~~Attachment 102D Exhibit C: Cross Section B B, Michaels Frontage~~

- ~~• The two travel lanes are 13 feet wide for a total of 26 feet. This provides an adequate width for emergency vehicles. 12 feet wide is~~

~~acceptable to the City.~~

- ~~• The north side includes an 12-foot shared pathway with 5-foot tree wells. Per previous comments this walkway will need to be at least 12-foot wide in the Public Facilities submittal.~~
- ~~• There are no bike lanes. But with the wider shared pathway the bicycle movements will be accommodated.~~

~~Attachment 102D Exhibit D: Cross Section C-C, Retail Shop Frontage~~

- ~~• The two travel lanes are 14-foot wide for a total of 28 feet. This provides an adequate width for emergency vehicles.~~
- ~~• Both sides include 17.5 feet for angled parking.~~
- ~~• The east side has a 10-foot wide sidewalk with 5-foot tree wells.~~
- ~~• The west side has a 4-foot wide sloped planter without street trees.~~
- ~~• The west side also has a 12-foot wide multi-use path.~~

~~Attachment 102D Exhibit E: Cross Section D-D, Street "A"~~

- ~~• Both planters are a minimum 4-foot wide~~
- ~~• No crosswalk is shown adjacent to SW Boones Ferry Road. Standard street construction requires crosswalks over accesses adjacent to public streets. The applicant will need to locate a crosswalk on Street "A" adjacent to SW Boones Ferry Road as a part of the Public Works Permit submittal.~~

~~Attachment 102D Exhibit F: Cross Section E-E, Boones Ferry Road~~

- ~~• This is shown for future reference to appropriately construct the intersection with Street "A" with the exception of construction of an extended median for westbound traffic for the right in/right out Street "A".~~

~~Attachment 102D Exhibit G: Cross Section F-F, Nyberg Road,
Entrance to Martinazzi~~

- ~~• The 5 to 6-foot sidewalk is curb tight for the section from the main site entrance to the west access. No planter is proposed, but 4 to 6 feet of landscaping is proposed north of the right-of-way after the sidewalk.~~
- ~~• A 4 to 6-foot planter section with 5 to 6-foot sidewalk exists after the west access to SW Martinazzi.~~

The preferred Major Arterial cross-section includes:

- ~~• Four 12-foot travel lanes~~
- ~~• One 14-foot wide center turn lane or median~~
- ~~• Two 6-foot bike lanes~~
- ~~• Two 6-foot planter strips with curbs, streetlights, and street trees~~
- ~~• Two 6-foot sidewalks~~

~~The proposed cross section of SW Nyberg Road does not precisely meet the exact cross section of a Major Arterial; the proposed differences from preferred cross section are identified below.~~

~~Attachment 102D Exhibit H: Cross Section G-G, Nyberg Road from I-5 to Eastern Entrance~~

- ~~• The bike lane is 5 feet wide.~~
- ~~• The westbound right turn lane is 15 feet wide.~~
- ~~• The planter strip is 4 feet wide.~~
- ~~• There is a two foot landscape strip north of the sidewalk prior to a hand rail on top of a retaining wall, then a water quality pond.~~

~~All proposed modified cross sections are acceptable with the exceptions noted above.~~

~~The plans show the extension of SW Seneca Street west of SW Martinazzi. The cross section shown meets the requirements of a Minor Collector street~~

The Master Plan proposes closure of the McBale Property access to SW Nyberg Street via a private “SW 75th Avenue”. The TDC requires each lot to have frontage and some form of access to public right-of-way. If the public access for the properties served by the private SW 75th Avenue is altered, the McBale and ODOT properties will need to obtain a private access easement over the Nyberg property in order to access public right-of-way.

Closure of the SW 75th Avenue access to SW Nyberg Street and the use of private access easements for remaining lots to the main entrance intersection is consistent with Tualatin Development Code chapter 75.120 (5).

On the east side of SW Martinazzi Avenue, accesses are to be closed and traffic redirected to the Loop Road as development occurs. The Master Plan does not entail redevelopment of this portion of the site; therefore, the right out access onto SW Martinazzi Avenue just north of SW Nyberg Street will not be closed at this time. However, the next driveway north will be closed as part of the requirement to construct a signalized extension of SW Seneca Street.

The “Street A” proposed in this master plan will allow direct access to SW Boones Ferry Road for eastbound traffic, which will reduce traffic on SW Martinazzi Avenue and further the goals of Tualatin Development Code chapter 75.

At the intersection of collector or arterial streets, driveways needs to be located a minimum of 150 feet from the intersection. Several accesses are within 150 feet from either SW Boones Ferry Road or SW Nyberg Road, both Major Arterials. Access to the City staff parking lot and the access easement to Heron's Landing

Apartments are approximately 140 feet and 110-feet away from SW Boones Ferry Road, respectively. Locating the City staff parking lot access further south would require relocation of the cement block trash enclosure, therefore the location is acceptable. The Heron's Landing Apartments access is too close to SW Boones Ferry Road; therefore, it will need to be located further south to match the location of the City staff access. The applicant will need to locate the Heron's Landing Apartment access opposite the City staff parking lot access. Along the Nyberg Main Entry access to the east and west parking lots are approximately 120 feet from SW Nyberg Road; however left turns are restricted by a median, therefore the location is acceptable.

How can the proposal improve to meet Goal 5?

Without adequate transportation facilities providing connections and improvements consistent with the transportation system, Goal 5 is not met. Staff recommends Master Plan conditions of approval as follows:

Goal 5

1. **a)** *The proposed Seneca Street extension to the Nyberg Rivers site with a signal at SW Martinazzi Avenue are constructed to the standards of a Minor Collector Street.*
2. **b)** *The following improvements are necessary for this development **(as noted by Washington County and ODOT)**:*
 - *A westbound right turn lane on SW Nyberg Road.*
 - *Two southbound left turn lanes and a shared through/right turn lane from the site's access onto SW Nyberg Road.*
 - *Two inbound receiving lanes and*
 - *The associated signal improvements at the main entrance.*

c) The following revised cross-sections are necessary to achieve public "street-like" qualities on private streets:

- ~~3. *For an Architectural Review land use decision, prior to issuance of Public Works, Water Quality, and Building Permits the applicant will need to submit revised plans that include:*~~

Exhibit B (Attachment 102D): Cross-section A-A:

- *A 4 to 7-foot planter strip on the east side with curb, streetlights, and trees*
- *A 4-foot planter on the west side with curb, streetlights adjacent to the travel lanes, and groundcover and shrubs with a 14-foot shared path with tree wells*
- *Three 12-foot southbound travel lanes*
- *Two northbound 12-foot travel lanes*
- *A center median consisting of an 18-inch concrete median, with striping on both sides for a total of 2.5-feet*

Exhibit C: Cross-section B-B:

- *A 12-foot pedestrian walkway on the north side with tree wells*
- *Two 13-foot travel lanes*

- A 6-foot planter on the south side
- A 5-foot sidewalk on the south side

Exhibit D: Cross-section C-C:

- A 10-foot wide pedestrian walkway on the east side with tree wells
- 17.5-foot angled parking on both sides
- Two 14-foot travel lanes
- A 4-foot sloped landscape area on the west side
- A 12-foot multi-use path on the west side

Exhibit E: Street "A": Cross section D-D

- A 12-foot multi-use path on the west side
- A 4-foot planter strip with curb, streetlights, and trees
- Two 12-foot travel lanes
- A 6-foot bike lane on the east side
- A 5-foot sidewalk on the east side
- The pork chop at the intersection of Boones Ferry Road will be mountable for emergency vehicles
- City Parking Lot/Heron's Landing/Access to Street "A" and intersection with the greenway:
 - The driveway/access shown 40-feet wide
 - The multi-use path crossing located south of the accessway. The crossing will include striping and bump-outs
 - The Heron's Landing Apartment access opposite the City staff parking lot access.
- A crosswalk on Street "A" adjacent to SW Boones Ferry Road

Exhibit G: Nyberg Street between the entrance of the site and Martinazzi Avenue: Cross section F-F

- A 4-6-foot planter strip with trees. This planter does not include curbs and streetlights, which are placed on the curb-tight sidewalk.
- A 5-6-foot curb-tight sidewalk on the north side of Nyberg Road
- A 6-foot bike lane
- Two 11-foot westbound travel lanes
- The north-south crosswalk across Nyberg Street will have a dedicated pedestrian/bicyclist-activated sequence

Exhibit H: Nyberg Street between the entrance of the site and I-5: Cross section G-G

- A minimum of 12-feet for bike and pedestrian use ~~12-foot~~ sidewalk on the north side of Nyberg Road
- A 4-foot planter strip with curb, streetlights, and trees
- A 15-foot westbound right-turn lane
- ~~A 5-foot bike lane~~
- No proposed changes to the existing west and east-bound turn lanes
- A two foot landscape strip prior to a hand rail on top of a retaining wall, then a water quality pond.

Seneca Street and the signal at SW Martinazzi Avenue

- *Two 12-foot travel lanes*
- *One 14-foot center turn lane*
- *Two 6-foot bike lanes*
- *Two 8-foot parking strips*
- *Two 6-foot planter strips with curbs, streetlights, and street trees*
- *Two 6-foot sidewalks*

GOAL 6: Pedestrian and Bikeways

To develop a pedestrian/bicycle system linking the Urban Renewal Area to residential areas, parks, natural areas, and to link the business district on the south side of SW Boones Ferry Road to the future business district on the north side of SW Boones Ferry Road.

How does the Nyberg Rivers Master Plan succeed in meeting Goal 6?

The proposed bicycle and pedestrian facilities serve the purposes called for in the Transportation System Plan. The bicycle and pedestrian facilities would provide on-and-off street connectivity in all directions to residential, commercial, and industrial areas with public parks, the library, and schools, in addition to facilitating on-site circulation. The system of pedestrian and bicycle facilities would contribute to and promote linkage between the downtown project site and Community Park.

6.1 Tualatin River Greenway Trail

The Tualatin River Greenway Trail is shown on the Pedestrian and Bicycle Plan (Attachment 102D, Exhibit L) as the northern Shared Pathway running east and west through the Natural Area from the northeast corner of the site at the I-5 bridge over the Tualatin River, across the width of the site, moving south of Future Development Area 4, then crossing Street “A” before it continues north along the west side of Street “A” where it connects with Boones Ferry Road at the northwest corner of the project site. It is shown as 12’ wide with 2’ shoulders for clearance on either side for the entire route.

Provisions are shown for future off-site trail connections-

- (1) to the west along the Tualatin River at Future Development Area 4 (where the Heron’s Landing Apartments are located),
- (2) on the west side of I-5 at the Tualatin River for a future trail connection under I-5, and (3) also at on the west side of I-5, for a north/south bikeway connection over the Tualatin River.

The Tualatin River Greenway will provide connectivity and links with residential and commercial areas in east Tualatin when the trail crosses under I-5 and joins the existing segment of the Tualatin River Greenway Trail that runs through Brown’s Ferry Park to Tualatin’s eastern boundary.

This Shared Pathway is especially important because it will serve as an alternative route that would be safer than using the Nyberg Street bridge over I-5

(at exit 289) where bicyclists and pedestrians are required to cross several freeway on-and-off ramps with high traffic volumes. The Nyberg Street bridge over I-5 (at exit 289) was identified as a high accident location in the recently adopted Transportation System Plan.

6.2 North/South Bikeway

The Transportation System Plan shows a bikeway along the eastern boundary of the project site from the Tualatin River to the Nyberg Street intersection and extending off-site in both north and south directions. The master plan shows this north/south bikeway located through the center of the site, placed between buildings, and continuing south to the Nyberg Street intersection. This routing avoids crossing the main entrance driveway and enables crossing Nyberg Street on the west side of the intersection to reduce conflicts with vehicles traveling westbound wishing to enter the development from Nyberg Street.

6.3 Shared Pathway Connecting Tualatin River Greenway Trail with Library and Seneca Street Extension

The proposed master plan shows a Shared Pathway located east of the library (shown as Future Development Area 5-b) that would facilitate access to the library and its public plaza and, ultimately, Tualatin Commons, via the planned Seneca Street extension or existing driveway until Seneca Street is extended.

6.4 ArtWalk and Ice Age Discovery Trail

Connections are shown and/or described that would bring the ArtWalk - A Self-Guided Tour of Tualatin's Art, Cultural and Natural History, and the Ice Age Discovery Trail into the site. When combined with the proposed Mastodon sculpture, the ArtWalk and Ice Age Discovery Trail would bring a sense of place, local history, and interpretive opportunities to the development.

6.5 Shared Pathway

Public access to the Shared Pathways described in 6.1, 6.2, and 6.3.

6.6 "Best Practices" in Multi-Modal Trail Design for Bicycle and Pedestrian Safety, Bicycle Parking

A review of the proposal indicates the possibility of congestion and conflicts existing between bicyclists and pedestrians where the north/south bikeway (Shared Pathway) is less than an unobstructed 12' wide with 2' shoulders for clearance on both sides. The potential for conflict also occurs at all locations along the proposed Shared Pathways and their related connecting access ways and other sidewalks where bicyclists and pedestrians cross or are adjacent to intersections, drive isles, and driveways, and where outdoor dining or seating will occur in the same space or in close proximity.

6.7 Crosswalk Along Boones Ferry Road at Street "A"

The proposed master plan does not show a cross walk on Boones Ferry Road where it crosses Street “A” and requires pedestrians to go about 400’ out of their way to cross Street “A.” Pedestrians need a clear, safe, direct, and convenient route when moving east and west on Boones Ferry Road, which is a fairly busy sidewalk that leads to the Library, Tualatin Commons, Tualatin Community Park, and other destinations within the downtown commercial area.

6.8 Bicycle and Pedestrian Connectivity with East Tualatin

The Nyberg Rivers project site currently connects to east Tualatin via the Nyberg Street bridge over I-5 (at exit 289). Crossing the Nyberg Street I-5 bridge is hazardous for pedestrians and bicyclists and the area was identified as a high accident location in the recently adopted Transportation System Plan.

Pedestrians moving in both the east and west bound directions are restricted to the north side of the bridge because there are no pedestrian facilities on the south side of the bridge, and there are no pedestrian facilities on the south side of Nyberg Street leading up to the bridge between the intersection at the Fred Meyer and Nyberg Rivers main entrance.

There are on-street bike lanes in both directions over the Nyberg Street bridge over I-5. However, bicyclists traversing the Nyberg Street bridge over I-5 in east and west directions are required to cross numerous freeway on-and-off ramps with high traffic volumes. Westbound bicyclists cross three freeway on-and-off ramps and eastbound bicyclists cross five freeway on-and-off ramps to get across the bridge to east Tualatin. This is especially daunting for eastbound bicyclists and not a route for children or recreational bicyclists.

The sidewalk on the north side of Nyberg Street carries a mix of pedestrian and bicycle use moving in both directions from the intersection at the Nyberg Rivers main entrance eastbound across the Nyberg Street bridge over I-5 to the sidewalk on the east side of the bridge. This is the only option for pedestrians and many bicyclists choose to use the sidewalk as well given the safety conditions of the eastbound and westbound on-street bike lanes.

Consequently, there are conflicts on the sidewalk between people using various modes of travel.

The Pedestrian and Bicycle Plan and cross section G-G (Nyberg Lane I-5 to Eastern Entrance) of the proposed Nyberg Rivers Master Plan includes a new 5’ wide on-street bike lane on the north side of the Nyberg Street between two westbound vehicle travel lanes from the bridge to the Nyberg Rivers primary entrance. This will serve the accomplished, commuter-oriented cyclists.

A 6’ sidewalk with 4’ curbside landscape planter and a 2’ north side landscape planter is proposed on the north side of Nyberg Street adjacent to the

development. No improvements are shown on the south side of Nyberg Street for eastbound pedestrians or bicyclists.

How can the proposal improve to meet Goal 6?

6.1 Tualatin River Greenway Trail (Shared Pathway)

A future connection to the west along the Tualatin River that is located within the outer 40' from the top of bank so it will fit within the boundaries as defined for the Tualatin River Greenway.

6.5 Shared Pathway

Shared Pathways shall be open for public access.

6.6 “Best Practices” in Multi-Modal Trail Design for Bicycle and Pedestrian Safety, Bicycle Parking

Design the bicycle and pedestrian facilities consistent with current “Best Practices” for multi-modal facilities in downtown urban areas to build safety, comfort and convenience into the design. These “Best Practices” include factors such as: pathway width, landscaped safety buffers, accommodating use by people of all abilities, special street crossing treatments at intersections, drive isles, and driveways, dedicated pedestrian time at intersections, benches and shade for comfort, and connectivity with adjoining properties, attractive design and landscaping.

Bicycle parking is not shown and is necessary to meet Goal 6. Provide bicycle parking for the public as well as customers and employees of the Nyberg Rivers shopping center at locations where convenient for the public and for users of the commercial center.

6.7 Crosswalk Along Boones Ferry Road at Street “A”

The proposed master plan does not show a cross walk on Boones Ferry Road where it crosses Street “A” and requires pedestrians to go about 400' out of their way to cross Street “A.” Pedestrians need a direct and convenient route when moving east and west on Boones Ferry Road, which is a fairly busy sidewalk that leads to the Library, Tualatin Commons, Tualatin Community Park, and other destinations within the downtown commercial area.

6.8 Bicycle and Pedestrian Connectivity with East Tualatin

A wider sidewalk on the north side of Nyberg Street between the intersection at the Nyberg Rivers main entrance and the Nyberg Street bridge over I-5 would alleviate congestion on the sidewalk that currently exists and will increase with the Nyberg Rivers development.

In the future, once constructed, the Tualatin River Greenway Trail will provide an alternative route that would be safer for bicyclists and pedestrians than using the Nyberg Street bridge over I-5.

Staff recommends that the proposed Nyberg Rivers Master Plan can meet the Central Urban Renewal Plan Goal 6 with the following conditions of approval:

Goal 6

1. a) All shared pathways shall be open to the public.
2. ~~The Master Plan shall provide a 12' sidewalk with a curbside planter on the north side of Nyberg Street between the Nyberg Rivers access and the Nyberg Street overpass at I-5.~~
3. b) New or relocated buildings on the Nyberg Rivers site shall have bicycle parking facilities.

GOAL 7: Transit

To support the development of the metropolitan transportation system (Tri-Met) in order to provide alternative transportation modes for the residential and employment population of the Urban Renewal Area.

How does the Nyberg Rivers Master Plan proposal succeed in meeting Goal 7?

~~The former KMart site and proposed Nyberg Rivers Master Plan site are not adjacent to existing or proposed transit facilities or services. TriMet service is located nearby on SW Martinazzi (a stop at the City Library) and on SW Boones Ferry Road extending from the WES Commuter Rail station further west to the Tualatin Park & Ride located at I-5 Exit 290 to the north. The proposed "Street A" extension from the Nyberg Rivers site to SW Boones Ferry Road will be near an existing TriMet bus stop on SW Boones Ferry Road near the Tualatin River Bridge. TriMet will have an opportunity to evaluate the impact of the Nyberg Rivers development on the transit system at the Architectural Review step of the redevelopment project. Goal 7 is not applicable to the Master Plan step of the Nyberg Rivers development.~~ In addition, this development is within the boundaries of the Southwest Corridor Plan which identifies the need for improved transit service. Current options being evaluated by the region show high capacity transit service potentially traveling along Boones Ferry Road, with a terminus at the WES station. The Master Plan, as currently proposed, would provide sufficient connections to the existing and proposed transit improvements near the site on Boones Ferry Road and Martinazzi Avenue.

How can the proposal improve to meet Goal 7?

Goal 7 is met. Transit is not applicable. No improvements recommended.

GOAL 8: Utilities

To assist in providing public utilities in the Urban Renewal Area as needed to facilitate growth and aesthetic quality.

How does the Nyberg Rivers Master Plan proposal succeed in meeting Goal 8?

Based on the Nyberg Rivers Master Plan proposal submitted June 24, 2013, the proposal acceptably provides direct access to public utility services after consolidation

of lots and relocation of public lines. All public and private stormwater is acceptably proposed to be treated by mechanical filters. Treating stormwater with vegetative approaches would add aesthetic value. ~~Goal 8 is met.~~

How can the proposal improve to meet Goal 8?

Staff recommends that the proposed Nyberg Rivers Master Plan can meet the Central Urban Renewal Plan with the following condition of approval:

Goal 8

- a) The development should explore vegetative treatment of stormwater where possible.

GOAL 9: Parks

To provide a high-quality park and recreation system to offset the environmental effect of large areas of commercial and industrial development.

How does the Nyberg Rivers Master Plan proposal succeed in meeting Goal 9?

9.1 Preserving the Natural Value of the Tualatin River

The proposed master plan preserves the natural value of the Tualatin River as a scenic, recreational, and open space asset to a greater extent than required for the Tualatin River Greenway as described in the Tualatin Development Code, Chapter 72 Natural Resource Protection Overlay District.

The Tualatin River Greenway is included within the Natural Area noted on the Nyberg Rivers Master Plan. The Tualatin River Greenway boundaries per the Tualatin Development Code is measured 40' inland from the top of bank extending to the middle of the river and, for the area 300' east and west of the I-5 right-of-way, measured from a line 75' inland from the top of the bank extending to the middle of the river.

The Natural Area as shown on the proposed Nyberg Rivers Master Plan is about three times as wide as is described in the Tualatin Development Code. The designated Natural Area is protected by an easement with Clean Water Services that ensures the preservation and conservation goals of the Tualatin River Greenway.

In Attachment 102B, it is stated that "The natural area tract will be granted in fee simple to the City of Tualatin or Clean Water Services to ensure compliance with the Greenway resource protection requirements."

9.2 Tualatin River Greenway Trail, North/South Bikeway Trail, Other Pedestrian and Bikeway Facilities, Connectivity and Linkages

These have been covered in Goal 6 Pedestrian and Bikeways, and are not repeated here for brevity.

9.3 Creating Substantial Public Gathering Spaces and Shared Parking

These have been covered under Goal 4 Civic Development, and are not repeated here for brevity.

How can the proposal improve to meet Goal 9?

9.1 Preserving the Natural Value of the Tualatin River

Tualatin River Greenway is measured 40' inland from the top of bank extending to the middle of the river and, for the area 300' east and west of the I-5 right-of-way, measured from a line 75' inland from the top of the bank extending to the middle of the river.

9.2 Tualatin River Greenway Trail, North/South Bikeway Trail, Other Pedestrian and Bikeway Facilities, Connectivity and Linkages

These have been covered in Goal 6 Pedestrian and Bikeways, and are not repeated here for brevity. Approval of the conditions of Goal 6 also meets the related provisions in Goal 9.

9.3 Creating Substantial Public Gathering Spaces and Shared Parking

These have been covered under Goal 4 Civic Development, and are not repeated here for brevity. Approval of the conditions of Goal 4 also meets the related provisions in Goal 9.

Staff recommends that the proposed Nyberg Rivers Master Plan can meet the Central Urban Renewal Plan Goal 9 with the conditions of approval listed in Goal 6.

GOAL 10: Flood Protection To promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions.

How does the vision statement relate to Goal 10?

While this goal may not be directly applicable to the Council vision it is still important to review and ensure that public and private loss is minimized.

Portions of the Nyberg Rivers and City properties that are proposed to have changes include the 100-year floodplain.

How does the Nyberg Rivers Master Plan proposal succeed in meeting Goal 10?

Based on the proposal submitted June 24, 2013, no proposed private structures or redeveloped structures are within areas of the 100-year floodplain or floodway. Damage due to the 100-year flood should not occur to proposed structures. Goal 10 is met for the proposed buildings.

Public streets should be at least 1-foot above the 100-year floodplain. Nyberg Rivers Master Plan proposed street "A" and most of the existing Seneca Street are within the floodplain. New street "A" and any modification to Seneca Street should be elevated at least 1-foot above the 100-year floodplain. Cut of grade equivalent to any fill to elevate

any public street should be performed nearby in order to not increase the 100-year floodplain.

How can the proposal improve to meet Goal 10?

To ensure that the Nyberg Rivers project street improvements are in compliance with Goal 10, staff recommends a Master Plan condition of approval requiring:

Goal 10

- a. *No increase in the 100-Year Floodplain associated with improvements to public "Street A" and SW Seneca Street.*

GOAL 11: Design Considerations

To create an atmosphere in the Urban Renewal Area which is aesthetically pleasing in order to promote the desirability of investment and occupancy in properties.

How does the Nyberg Rivers Master Plan proposal succeed in meeting Goal 11? How can the proposal improve to meet Goal 11?

In 2012 when discussions on the Nyberg Rivers project began and on through the review of the proposed Nyberg Rivers Master Plan, Staff have emphasized to the applicant the importance of the relationship of the development to the Tualatin River that adjoins the site on the north, its location in the Central Urban Renewal District and central downtown area of Tualatin and its presence in a primary gateway to the City of Tualatin from the Nyberg Street interchange on Interstate I-5. Also, providing attractive site and building design on the north elevations of the main Nyberg Rivers buildings in respect to the adjoining residential development is important. These points were reiterated in a letter to the applicants dated June 3, 2013.

The Architectural Review Board met at the request of the applicant on June 19, 2013 (Attachment 107) for an advisory review of the Master Plan and expressed the importance of the site design, building design, river, downtown community relationships for the redevelopment. As expressed by ARB, the architecture should be unique to Tualatin and reflect the City's image and culture.

These factors are important objectives for consideration of redevelopment of the KMart/Mercury Development site in relation to Goal 11 as well as other Central Urban Renewal District Plan Goals addressed above. In respect of these important factors, the Nyberg Rivers project should provide river orientations for buildings and tenants, provide four-sided architecture on all of the new buildings in the center and provide a design relationship to the Tualatin downtown.

11.1 Building Design. As proposed in Attachment 102B pages 144-152; 102C, pages 24-30; and Attachment 102D Exhibits A, P:

- The main Nyberg Rivers buildings (Buildings 1005, 1010, 1030 and the anchor tenant Building 1040) have no windows, entrances or activity areas on the

Tualatin River elevations. The north elevations are primarily loading and service facilities for the building tenants. The Shopping Center elevations and sporting goods store elevations (Building 1040) on the far east side of the shopping center give the appearance of “turning their back to the river.”

- In the first submittal (Attachment 102B, pages 144-152), Building N-100 was the only proposed building with windows facing the river and entrances that connect with the natural areas. In Addendum 1 (Attachment 102D, Exhibit A) the footprint and design of Building N-100 were revised, but elevation plans were not provided and the river orientation features of the building cannot be determined.
- As shown on the concept elevations (Attachment 102C, pp.26-27) Pad Building F-100 (Wendy’s) has windows and feature on each of the four elevations, including the drive-thru. The proposed drive-thru service faces south to the nearby SW Nyberg Street frontage and I-5 interchange.
- The concept elevations for Buildings, G-100 (restaurant) and J-100 (restaurant) are not clearly shown at this time and staff is unable to determine the building orientations and design features.
- Building H-100 (restaurant and drive-thru) (Attachment 102B, page 152) appears to have the east and north elevations devoted to drive thru and service facility with limited windows and architectural feature. The east elevation faces the Interstate I-5 frontage and the north elevation faces the parking area between the building and Building J-100.
- The south elevation of Building 1040 faces the parking area, the main entry access from SW Nyberg and the I-5 Interchange. The east elevation, 240 feet in length, has no windows or entrances facing the center’s eastern parking areas other buildings and the I-5 freeway frontage. The 480 foot north elevation is a loading and service area with no public entrances or windows and faces the Tualatin River greenway natural area.
- Little to no visual connection between the Building 1040 interior and the exterior including walkways and parking areas is available as proposed. No visual connection between the Building and the Tualatin River and Greenway area is provided. The Central Urban Renewal District Plan calls for attractive buildings in the downtown, a strong pedestrian environment and orientations to the river.

Staff asked the applicant to respond to these issues in the Master Plan and revise the building elevations to address the river orientation and four sided building architecture issues and concerns. In reply, the Addendum 1 (Attachment 102D, Exhibit P) provided a revised Building 1040 south elevation that added architectural features, but the applicant stated (Attachment 102D, page 18) that no design changes to the Building 1040 east and north elevations are proposed.

To be consistent with Goal 11, the Nyberg Rivers Master Plan must have a site and building design that will provide Building 1040 and Building N-100 with orientations to the Tualatin River and River Greenway area with design features including windows, entrances and activity areas oriented to the River. The buildings on the Nyberg Rivers site will be viewable from all sides including the Tualatin River

Greenway, residential development, the I-5 Freeway and Interchange, SW Nyberg Street and to other buildings and parking areas within the center.

Staff recommends Master Plan conditions of approval requiring:

Goal 11

1. ~~Building 1040 shall have a public entrance and windows on the north sides or northeast corner of the building.~~
2. a) There shall be additional windows and architectural features on each of the four sides of Buildings 1040, G-100, H-100, J-100 and N-100.

11.2 Building Design-Architecture As proposed in Attachment 102B pages 144-152; 102C, pages 24-30; and Attachment 102D Exhibits A, P:

- All the proposed Nyberg Rivers buildings are one-story. The Central Urban Renewal District Plan calls for more intensive downtown development that can be achieved with multi-story buildings, variation in building height, roof and wall architecture. Building 1040 has large gabled roof at mid-building with relatively little vertical relief at parapet.
- Buildings 1040, F-100 thru J-100 have a limited range of distinguishing design feature and material. Corporate “branded” designs dominate. This takes away from the Central Urban Renewal District objectives for development consistent with Tualatin’s downtown and the Tualatin Commons.

The Addendum 1 submittal (Attachment 102D, Exhibit P) provided a revised Building 1040 south elevation that added architectural features, but the applicant stated (Attachment 102D, pg. 18) that no design changes to the Building 1040 east and north elevations are proposed and no design changes to other buildings were proposed.

In Review of the Master Plan application, Staff notes:

- As shown in the first submittal (Attachment 102B, Exhibit C, Retail Concept Sheet) and the revision shown in Addendum 1 (Attachment 102D, Exhibit P), the south and east elevations of the 110,000 sq. ft. Building 1040 have limited architectural feature compared to the proposed design concepts for Buildings 1005, 1010 and 1030. On the 460 foot south elevation, the revised plan shows a canopy on both sides of the entry portico that extends west toward the proposed outdoor plaza area. Windows are shown on the gabled entry façade and in a panel west of the entry. The approximately 100 foot eastern portion of the south elevation has no windows, no roof or canopy feature and minimal architectural feature.
- The Nyberg Rivers buildings do not appear to incorporate design features and materials that are common to the design of buildings in the Tualatin Commons and downtown such as multi-story buildings, orientation to the street or public spaces, the use of brick masonry, and more architectural feature.

In its Advisory Meeting on June 19, 2010 (Attachment 107), the Architectural Review Board challenged the Nyberg Rivers design building concepts, expressing that the building architecture should be interesting and unique to Tualatin, relate to the outdoors, and incorporate some of the Northwest architectural style of design and materials. The ARB noted that the Building 1040 has a design similar to other large retail stores.

To be consistent with Goal 11, the Nyberg Rivers Master Plan must have design concepts include additional building levels and variation in height, incorporate more windows on Building 1040 and other Buildings to provide a visual connection between the store interior and the exterior including walkways and parking areas, and to add distinguishing building design features and materials to achieve a stronger design relationship to Tualatin's downtown architectural style.

To meet Goal 11, Staff recommends Master Plan conditions of approval requiring:

Goal 11

3. b) *Building 1040 shall have variations in building height, additional gabled roof feature, canopy feature, entry feature, dimensional wall feature such as columns or pilaster and projected entries, show larger window and entry areas and show a diversity in exterior wall material on all four sides of the building.*

11.3 Loading and Service Areas. As proposed in Attachment 102C, pages 25-30 and Attachment 102D Exhibits A, P:

- The proposed Nyberg Rivers loading/service area (North sides of Buildings D1, D2, 1005, 1010, 1030 and 1040) is adjacent to residential development and will be adjacent to future greenway and the multi-use paths that will be used by the general public. The appearance of a loading area, conflicts between public and loading activities, potential for noise disturbances associated with loading and truck activities create issues for consideration in the Master Plan.

The applicant states: (Attachment 102D, pp. 27-28, Exhibit M)

“The Loading and Service Areas were also addressed above under the truck circulation discussion. To reiterate, the revised plans show primary truck access using the Nyberg Road entrance into the site, circling the shopping center in a counterclockwise loop to the loading and service areas, before returning on the west side to the southbound Nyberg Road exit. These truck access areas all feature 26-foot drive aisles to meet the minimum requirement.”

Site design and building design concepts for loading and service areas that create conflicts with public access, greenways, and nearby residential areas do not meet Goal 11. The Nyberg Rivers Master Plan and the Addendum 1 Site Plan (Attachments 102A - 102D) and building elevations are unclear and inconsistent about the layout and design of the Buildings D2, 1005, 1010 and 1040 loading and service facilities. For these facilities to be consistent with Goal 11, the Nyberg Rivers

Master Plan must show that the layout, operation, screening and buffering of the loading and service facilities will be safe for the public who are using the pedestrian and bicycle facilities planned for the area, and will be adequately buffered or screened visually and for noise from truck and loading activities for the public and the nearby residential area.

To meet Goal 11, Staff recommends a Master Plan condition of approval requiring:

Goal 11

4. c) *The loading and service facilities for the existing Michaels (Building D2) and new Buildings 1005, 1010 and 1040 shall provide adequate visual and noise buffering for the benefit of nearby public areas and residential areas.*

11.4 Parking and Parking Lot Landscaping As proposed in Attachment 102D, Exhibits A, J, K and S:

- The Nyberg Rivers Master Plan proposes 6 ft. x 6 ft. (measured to outside of curb) “Parking Diamonds” as a form of required parking area interior landscaping as an alternative to planters that extend between rows of parking and separate groups of parking stalls (Attachment 102D, Exhibits A, J, K). The Community Design Standards of the Tualatin Development Code (TDC 73.310, 73.320, 73.360) requires parking lot landscaping to provide shade within the parking lot for users and with required trees and other planted vegetation in parking lot planters to both physically and visually break up the extensive paved surfaces and the parked vehicles in the parking area. Community Design standards require 25 sq. ft. of parking area landscaping (both interior and perimeter to the parking area), a minimum of 1 deciduous shade tree per 4 parking stalls within a 5 foot wide (inside of curb) planter island. The proposed “diamonds” have limited surface area as a planter within a paved parking area. With limited planter area in the diamonds, there is more paved surface area in a parking lot and less landscaping to break up the scale of the pavement and the parked vehicles. This has an impact for people who using the parking lot and visually for the public from adjacent streets and public ways. Staff was concerned that the proposed “diamonds” do not serve the purposes of landscaped islands and do not provide adequate soil volume for the long term growth of the required shade trees.

The Applicant’s Addendum 1 narrative states: (Attachment 102D, pages 18-19, Exhibit K)

“As shown on the updated Site Plan and in the “Enlargement C” graphic provided under the Landscape Theming Plan portion of the Master Plan document, parking lot landscape diamonds are designed to provide adequate space and soil volume or the long-term longevity of the required trees. These landscape diamonds are provided for every 8 consecutive stalls. The landscape diamonds are dimensioned 6-feet by 6-feet, with an interior plant and soil area of 5-feet by 5-feet. As shown in the typical diamond cross-section under “Enlargement C”, the mature rootball of a tree can fit within the

6 x 6-foot area. The typical diamond will provide enough soil to plant a canopy tree, but may not be sufficient to provide the adequate drainage for tree roots. If trees are placed in these diamonds, the likelihood is high that water from irrigation or seasonal rain will pool at the bottom and create a 'bath tub.' This additional moisture will slowly cause trees to decline and eventually die. Adding a layer of drain rock will create a water storage layer in the bottom of the planter below the elevation of tree roots. The added perforated pipe network will provide a necessary outlet for the excess water. The trees will now drain properly under summer irrigation and winter rain, reducing the potential for mortality. A specific summary of parking lot trees will be addressed pending finalized updates to the Site Plan (i.e. once CenterCal signs off on a final site plan)."

In reply to the request for information about the project's off-street parking needs and compliance with standards, the applicant provides a parking analysis for the various proposed uses and concludes parking requirements are met and parking for the center will be adequate (Attachment 102D, pages 28-30)

- The Master Plan does not indicate where and if oversized vehicle parking stalls will be provided. Staff has noted that overnight parking is not permitted in the City.

The applicant states: (Attachment 102D, page 30)

"No overnight parking is proposed on the site. The over-sized RV stalls will serve users who visit the site in RVs. Such users are not permitted to overnight in the parking stalls and no accommodations for that kind of use are proposed in this application."

Goal 11 is concerned about development that contributes to the aesthetics of the Central Urban Renewal District. The Community Design Standards of the Tualatin Development Code include standards for site design and landscaping that are intended to improve the attractiveness of off-street parking for commercial development while mitigating the unwanted effects that bare and unbroken parking lot pavement can have on property values and the aesthetics of downtown areas. The use of 6 ft. x 6 ft. "diamond" planters in off-street parking areas reduces the amount of landscaped area within a parking lot and reduces the opportunity to balance the pavement and the cars with attractive trees, shrubs and groundcover for the benefit of users and the public.

It is not apparent how reducing landscaping in parking lots would meet Goal 11. Staff is seeking Council feedback concerning the proposed use of parking area landscape "diamonds", the 6 ft. by 6ft. diamond-shaped planters shown in the Master Plan as an alternative to the 5 ft. by 18-20 ft. or larger landscape islands commonly found as row-separating and end-of-row planters in the interior of commercial parking lots. Staff recommends the following:

- a. If the Council determines that "diamond" style planters in the parking areas are not acceptable, - then interior parking lot landscape islands that separate groups of parking stalls shall extend for the length of parking stalls separated by the required planters.
- b. If the Council determines the "diamond" style planters in the parking areas are acceptable, the applicant may utilize the planters to meet the parking lot landscaping island standards of TDC Chapter 73.360.

To meet Goal 11, Staff recommends Master Plan conditions of approval:

Goal 11

- ~~5. When oversized vehicle parking stalls occupy or replace standard parking stalls proposed in the Master Plan, the total number of parking stalls and the dimensions shall be adjusted accordingly to reflect the revision.~~
6. d) If the Council determines that "diamond" style planters in the parking areas are not acceptable, then:
11.d.1) interior parking lot landscape islands that separate groups of parking stalls shall extend for the length of parking stalls (18.5 ft. for standards stalls/13.5 ft. for subcompact stalls) separated by the required planters to meet minimum dimensions listed in TDC Chapter 73.360, or:
7. If the Council determines the "diamond" style planters in the parking areas are acceptable:
11.d.2) the applicant may utilize the planters to meet the parking lot landscaping island standards of TDC Chapter 73.360.
8. e) When oversized vehicle parking stalls occupy or replace standard parking stalls proposed in the Master Plan, the total number of parking stalls and the dimensions shall be adjusted accordingly to reflect the revision.

11.5 Urban Forestry.

- The plans do not clearly show the street tree species proposed for project. Street trees are required to be chosen from the approved Street Tree Figure 74-1 in the Tualatin Development Code.
- Staff is concerned about a practice of tree "topping" on the KMart/Mercury Development center and the continuation of the practice on the Nyberg Rivers site. (Unaccepted as proper pruning by arborists and urban forestry, tree topping is cutting a tree's upper branches intending to limit the tree's canopy height. This practice typically results in the "lollipop" appearance of trees).
- The plans do not show protection of the grove of deciduous trees on the former historic Nyberg House site on Tax Lot 2S124A 2502 (site of proposed Building G-100) is considered. No tree protection of trees at the northern portion of the

Master Plan development area on Tax Lot 2700 (parking area for Building N-100) is shown.

- Staff requested clarification of plans for planting of conifer or evergreen trees on the east boundary of the Nyberg Rivers site, adjacent to the approximately 1,200 feet of Interstate I-5 property frontage. Conifer or evergreen trees would provide additional interest and buffering for the development to the freeway and a mix of trees types consistent with the characteristic tall conifers in the central part of Tualatin and along the river.

The applicant includes a Landscape Plan (Attachment 102D Exhibit J) that shows street trees. The applicant states:

“The selected trees for the interior and exterior roadway frontages are shown on Exhibit J, the Landscape Plant Material Schedule included with this letter. Each of these trees serves the purpose of the Street Tree Program and will fit in the locations proposed.” (Attachment 102D, pages 26-27, Exhibit J).

Street trees and permitted tree species are subject to the requirements of the Tualatin Development Code Chapter 74 and subject to Architectural Review.

In regard to conifer plantings on the east frontage of the Nyberg Rivers development, the applicant states:

“As shown on the Landscape Theming Plan provided in the Nyberg Rivers Master Plan, the site is divided into 3 distinct ecosystems. The frontage along I-5 includes both the Central Oregon and Tualatin River ecosystem. Under the legend displaying proposed plantings for each ecosystem, specified trees include Doug Firs, Bristlecone Pines, Alpine Firs, and Western Red Cedars. These trees are all classified as coniferous trees.” (Attachment 102D, pages 26-27, Exhibit J).

Staff notes the plans show one (1) Douglas Fir or Western Red Cedar tree on this frontage. Both the Douglas Fir and Cedar trees are fast growing to reach a substantial height and crown size at maturity. The plans show a total of 17 Bristlecone Pine or Alpine Firs trees for planting on this 1,200 ft. (825 ft. developed) frontage. The Bristlecone Pine and Alpine Fir are characteristically slow-growing and smaller in height and crown in comparison to the Douglas Fir and Cedar Trees found today in the Tualatin Area. Having a suitable mix of full size trees on the Interstate I-5 frontage of this site will meet Goal 11.

In regard to trees proposed for protection in the development process, the applicant states:

“The applicant is not proposing to remove any protected trees from the site. Prior to commencing site planning activities on the site the applicant met with the City planning department to identify any protected resources on the site. The applicant’s site plan avoids any protected resource consistent with the City’s acknowledged comprehensive plan. The trees proposed for removal on Tax Lot 2502 and 2700 are not protected resources. Those trees to be preserved or left untouched are noted on the Tree Removal Plan included with this response

letter. Those trees located within tax lot 2502 are all proposed to be removed, while those trees outside the conservation area within tax lot 2700 are proposed to be removed. (Attachment 102D, page 27, Exhibit N).

Staff notes the plans show the removal of all of the trees on the former Nyberg House site (Tax Lot 2502). The trees are not part of the Heritage Tree Program nor protected in an Open Space Natural Area. As a grove of mature Oak, Maple, True Fir, and Deodar Cedar, the trees are visible and prominent from the I-5 Southbound off ramp and Nyberg Street overpass. Protection of the trees in the development process would allow the trees to continue to provide a substantial and attractive corner to the Exit 289/Nyberg gateway to Tualatin and would contribute to meeting Goal 11.

To meet Goal 11, Staff recommends Master Plan conditions of approval requiring:

Goal 11

9. f) A tree maintenance plan for all trees on the Nyberg Rivers site and a tree preservation plan that establishes protection of trees on the former Nyberg House site (tax lot 2502). Where tree preservation is not possible, provide 3" caliper or 10-12 foot replacement tree plantings of a similar character in the vicinity of where trees were removed on Tax Lot 2502.
40. g) Provide an additional 15 Douglas Fir, Western Red Cedar, or other tall-maturing conifer tree plantings in the landscape plan for location in the site's eastern frontage along I-5.

11.6 Proposed Signage.

The applicant provides a "Conceptual Design Package" (Attachment 102D, pages 62-77, Exhibit R). The site plan appears to indicate:

- Two (2) replacement non-conforming free-standing pole/pylon signs (Primary Entry Site Identity Pylon, Freeway Tenant Pylon)(replacing current KMart/Michaels, former Paul Schatz Furniture pole signs).
- Two (2) new "Primary Monument/Entry Site Identity Monument" freestanding signs.

The Tualatin Development Code Sign Regulations for the Central Commercial (CC) Planning District portions of Nyberg Rivers site are listed in TDC 38.220. The Nyberg Rivers site currently possesses:

- Three (3) non-conforming free-standing pole signs (KMart/Michaels, Jiggles, former Paul Schatz Furniture).
- Three (3) conforming monument style signs associated with Buildings A, B, and E100.

Non-conforming freestanding signs can be structurally altered and retain the non-conforming status when the alterations meet the requirements of TDC 35.200.

It is unclear from the application materials if the proposed Nyberg Rivers sign concepts will meet the Sign Regulations and Non-conforming Sign requirements. If the Nyberg Rivers project seeks signage that is not allowed under the Sign Regulations in TDC Chapter 38, the applicant would need to obtain a sign variance or an amendment to the Tualatin Development Code changing the sign standards under separate process.

While a variance or amendment to the sign regulations cannot be granted in the Central Urban Renewal District Plan Master Plan process, the applicant's intentions for signage on the project can be discussed for the benefit of the development as the project goes forward and for an evaluation of a proposed sign program's compliance with Goal 11.

To Meet Goal 11, Staff recommends:

Goal 11

- ~~41. h)~~ *The applicant's proposed Nyberg Rivers Sign Program is not in the purview of the Master Plan and is not approved.*

42 How can the proposal improve to meet Goal 11?

Staff recommends that the proposed Nyberg Rivers Master Plan can meet CURD Plan Goal 11 with the recommended conditions listed above ~~4-10~~ for Building Design, Architecture, Loading and Service Areas, Parking and Parking Lot Landscaping, Urban Forestry in ~~11.1 through 11.5~~ and Signage in ~~11.6~~.

RECOMMENDED CONDITIONS MP-13-01

The proposed Nyberg Rivers Master Plan MP-13-01 will satisfy the Central Urban Renewal Plan Objectives 1-11 with the following recommended conditions:

Goal 1

- ~~1. a)~~ *Master Plan approval include a condition Limiting the number of drive-thru facilities in the Nyberg Rivers development to no more than four and design any new or re-located drive-thru facilities so the service windows and service aisles are oriented away from public streets. (Goal 1)*

Goal 2

- ~~2. a)~~ *Master Plan approval include conditions requiring the Nyberg Rivers Site design and building design to provide attractive and pedestrian-oriented features including accessways and pathways that will connect to existing and future residential development in the downtown area and specifically to the adjoining Heron's Landing Apartments property. (Goal 2)*

Goal 4

~~3. Master Plan conditions of approval requiring (Goal 4):~~

- ~~a) a) Recreational equipment, apparel and sports outfitting sales are prohibited in areas identified as public gathering, multi-function open plaza and plaza seating with fire pit on Attachment 102D page 60 Building Frontage landscape plan.~~
 - ~~b) The proposed “outside sales areas” should be configured to provide a minimum of 12 feet in clear, unobstructed width for public gathering spaces, accessways and walkways measured from the edge of an “outside sales area”, and;~~
 - ~~e) b) A minimum of 12 feet of clear, unobstructed width for walkways or accessways through a plaza or along the building frontage between Building D1 and northeast corner of the public gathering, multi-function plaza seating with fire pit on Attachment 102D page 60 Building Frontage landscape plan. on the west and southeast corner of Building 1040 on the east~~
- ~~4. e) Master Plan condition of approval requiring Pedestrian linkages across the Tualatin Civic campus between the main Nyberg Rivers development and Martinazzi Avenue via the SW Seneca Street or other approaches. (Goal 4)~~
- ~~5. c) Remove the Truck Route designations from Street "A" and Seneca Street in order to eliminate impacts to the Library/City Hall Plaza, Shared Pathway, and other pedestrian crossings of these roads and drive aisles. (Goal 4)~~

Goal 5

~~6. Master Plan Conditions of approval requiring: (Goal 5)~~

- ~~a) a) The proposed Seneca Street extension to the Nyberg Rivers site with a signal at SW Martinazzi Avenue are constructed to the standards of a Minor Collector Street.~~
- ~~b) b) The following improvements are necessary for this development (as noted by Washington County and ODOT):
 - ~~— A westbound right turn lane on SW Nyberg Road.~~
 - ~~— Two southbound left turn lanes and a shared through/right turn lane from the site’s access onto SW Nyberg Road.~~
 - ~~— Two inbound receiving lanes and~~
 - ~~— The associated signal improvements at the main entrance.~~~~
- ~~e) c) The following revised cross-sections are necessary to achieve public “street-like” qualities on private streets:~~

~~Attachment 102D -Exhibit B: Cross-section A-A:~~

- ~~— A 4 to 7-foot planter strip on the east side with curb, streetlights, and trees~~
- ~~— A 4-foot planter on the west side with curb, streetlights adjacent to the travel lanes, and groundcover and shrubs with a 14-foot shared path with tree wells~~
- ~~— Three 12-foot southbound travel lane~~
- ~~— Two northbound 12-foot travel lanes~~
- ~~— A center median consisting of an 18-inch concrete median, with~~

striping on both sides for a total of 2.5-feet

Attachment 102D - Exhibit C: Cross-section B-B:

- A 12-foot pedestrian walkway on the north side with tree wells
- Two 13-foot travel lanes. 12 foot travel lanes are acceptable.
- A 6-foot planter on the south side
- A 5-foot sidewalk on the south side

Attachment 102D - Exhibit D: Cross-section C-C:

- A 10-foot wide pedestrian walkway on the east side with tree wells
- 17.5-foot angled parking on both sides
- Two 14-foot travel lanes
- A 4-foot sloped landscape area on the west side
- A 12-foot multi-use path on the west side

Attachment 102D - Exhibit E: Street "A": Cross section D-D

- A 12-foot multi-use path on the west side
- A 4-foot planter strip with curb, streetlights, and trees
- Two 12-foot travel lanes
- A 6-foot bike lane on the east side
- A 5-foot sidewalk on the east side
- The pork chop at the intersection of Boones Ferry Road will be mountable for emergency vehicles

City Parking Lot/Heron's Landing/Access to Street "A" and intersection with the greenway:

- The accessway shown is 40-feet wide
- The multiuse path crossing is located south of the accessway
- The crossing will include striping and bump-outs
- The Heron's Landing Apartment access easement opposite the City staff parking lot access.
- A crosswalk on Street "A" adjacent to SW Boones Ferry Road

Attachment 102D -Exhibit G: Nyberg Street between the entrance of the site and Martinazzi Avenue: Cross section F-F

- A 4-6 foot planter strip with trees. This planter does not include curbs and streetlights, which are placed on the curb-tight sidewalk.
- A 5-6-foot curb-tight sidewalk on the north side of Nyberg Road
- A 6-foot bike lane
- Two 11-foot westbound travel lanes
- The north-south crosswalk across Nyberg Street will have a dedicated pedestrian/bicyclist-activated sequence

Attachment 102D - Exhibit H: Nyberg Street between the entrance of the site and I-5: Cross section G-G

- A minimum 12-feet for bike and pedestrian use 12-foot sidewalk on the north side of Nyberg Road
- A 4-foot planter strip with curb, streetlights, and trees
- A 15-foot westbound right-turn lane
- A 5-foot bike lane
- No proposed changes to the existing west and east-bound turn lanes
- A two foot landscape strip prior to a hand rail on top of a retaining wall,

then a water quality pond
Seneca Street and the signal at SW Martinazzi Avenue

- Two 12-foot travel lanes
- One 14-foot center turn lane
- Two 6-foot bike lanes
- Two 8-foot parking strips
- Two 6-foot planter strips with curbs, streetlights, and street trees
- Two 6-foot sidewalks

Goal 6

7. a) All shared pathways shall be open to the public. (Goal 6)
8. ~~The Master Plan shall provide a 12' sidewalk with a curbside planter on the north side of Nyberg Street between the Nyberg Rivers access and the SW Nyberg Street overpass at I-5. (Goal 6)~~
9. b) New or relocated buildings on the Nyberg Rivers site shall have bicycle parking facilities. (Goal 6)

Goal 8

- a) a) The development should explore vegetative treatment of stormwater where possible.

Goal 10

10. a) No increase in the 100-Year Floodplain associated with improvements to public "Street A" and SW Seneca Street. (Goal 10)

Goal 11

11. ~~Master Plan conditions of approval requiring an Architectural Review submittal to show:~~
 - a) ~~Building 1040 shall have public entrance and windows on the north sides or at the northeast corner of the building.~~
 - b) a) There shall be additional window and architectural features that break up the building mass and add architectural interest on each of the four sides of Buildings 1040, G-100, H-100, J-100 and N-100.
 - e) b) Building 1040 shall have variations in building height, additional gabled roof feature, canopy feature, entry feature, dimensional wall feature such as columns or pilaster and projected entries, show larger window and entry areas and show diversity in the exterior wall design and material on all four sides of the building.
12. c) The loading and service facilities for the existing Michaels (Building D2) and new Buildings 1005, 1010 and 1040 shall provide adequate visual and noise buffering for the benefit of nearby public areas and residential areas. (Goal 11)
13. d) If the Council determines that "diamond" style planters in the parking areas are not acceptable, then:
 - ~~then~~ 11.d.1) Interior parking lot landscape islands that separate groups of parking stalls shall extend for the length of parking stalls (18.5 ft. for

standards stalls/13.5 ft. for subcompact stalls) separated by the required planters.

Or, if the Council determines the "diamond" style planters in the parking areas are acceptable, then:

11.d.2) the applicant may utilize the planters as proposed in as proposed in Attachment 102A and 102D to meet the parking lot landscaping island standards of TDC Chapter 73.360. (~~Goal 11~~)

~~14.e)~~ When oversized vehicle parking stalls occupy or replace standard parking stalls proposed in the Master Plan, the total number of parking stalls and the dimensions shall be adjusted accordingly to reflect the revision. (~~Goal 11~~)

~~15. Master Plan conditions of approval requiring the Nyberg Rivers Landscape Plans to be considered in Architectural Review to:~~

a) ~~f)~~ The applicant shall provide a tree maintenance plan for all trees on the Nyberg Rivers site and a tree preservation plan that establishes protection of trees on the former Nyberg House site (tax lot 2502). Where tree preservation is not possible, provide 3" caliper or 10-12 foot replacement tree plantings of a similar character in the vicinity of where trees were removed on Tax Lot 2502. (~~Goal 11~~)

b) ~~g)~~ ~~The Nyberg Rivers Landscape Plans shall~~ Provide an additional 15 Douglas Fir, Western Red Cedar, or other tall-maturing conifer tree plantings in the landscape plan for location on the site's eastern frontage along I-5. (~~Goal 11~~)

~~16.h)~~ The applicant's proposed Nyberg Rivers Sign Program is not in the purview of the Master Plan and is not approved.



Nyberg Rivers Master Plan Public Hearing

City Council August 7, 2013



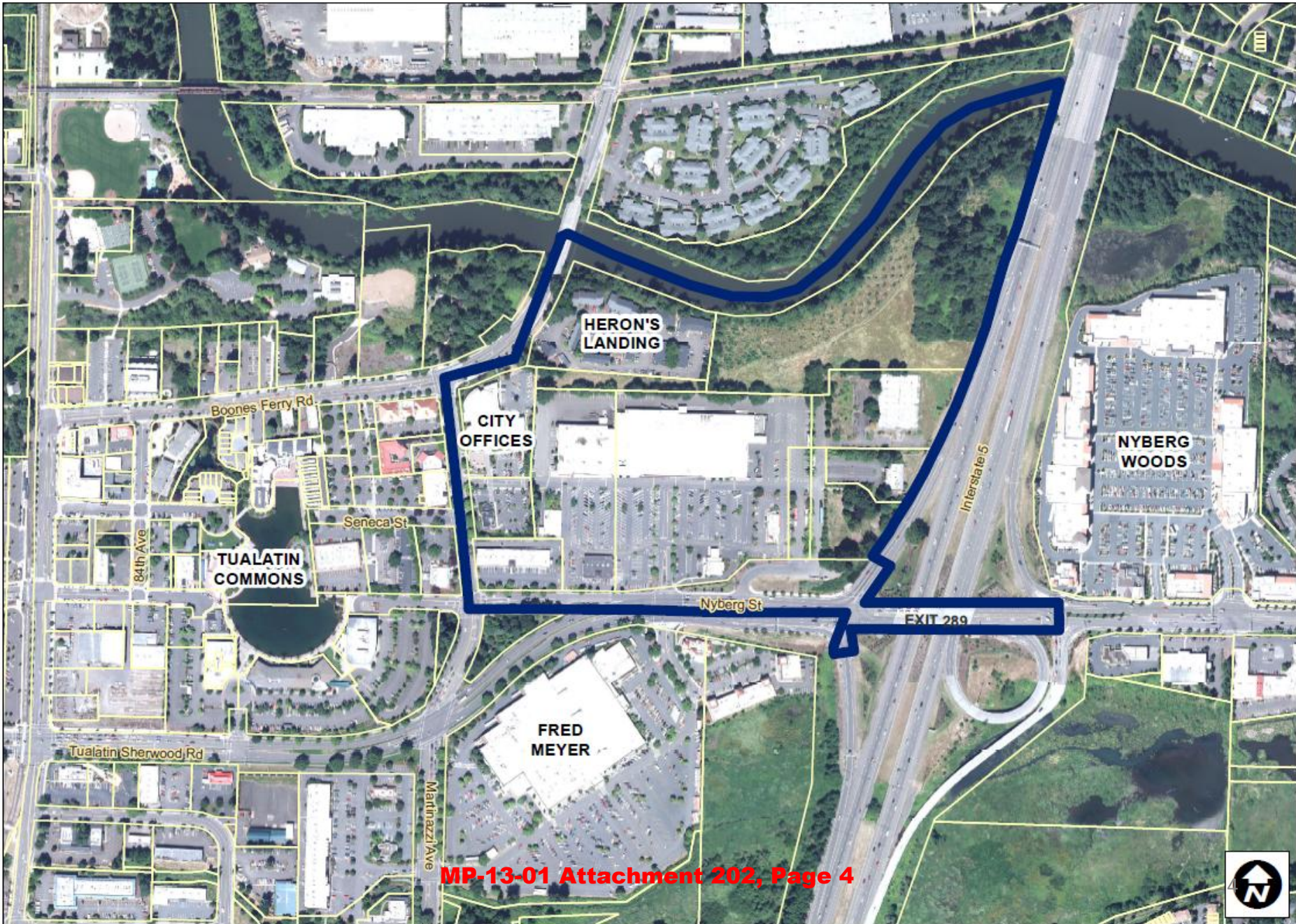
Meeting Purpose

- **Continuance of the Master Plan Public Hearing from July 22, 2013**
- **Master Plan Public Hearing:** application to allow redevelopment on the former K-Mart Site.
 - Note: The developer has also submitted an application for a **Conditional Use Permit** which will be reviewed in an additional public hearing if the Master Plan is approved.



Master Plan Overview

- **Why a Master Plan?**
 - Central Urban Renewal District Plan requires approval of a Master Plan to govern development in the district in a manner that complies with CURD goals and objectives
- **What is a Master Plan?**
 - Provides physical and aesthetic guidance for proposed redevelopment
 - Outlines private and public improvements (i.e. buildings, streets, trails, water and sewer lines, etc.)
- **What has been the process to date?**
 - March: Neighborhood Developer Meeting
 - April: Application Submitted
 - June: Courtesy Review by TPARK and ARB
 - July/August: City Council Review and Direction



Proposed Site Plan





CURD Plan Goals



Goals discussed on July 22

Goals 1, 5 and 11 identified for tonight's discussion

**1. Commercial
Development**



7. Transit



8. Utilities



2. Housing



9. Parks



3. Industrial



10. Flood Protection



4. Civic Development

11. Design

5. Transportation

Considerations



**6. Pedestrian and
Bikeways**



Amended Analysis and Findings

- Staff reanalyzed the proposal in response to the applicant, public testimony and Council discussion.
- Amendments were made to the analysis and findings and resulting conditions.
- A summary of these amendments follow on the next slides.



Summary of Amendments

- **Goal 1 Commercial Development**
 - Additional analysis addresses parking on High Density Residential land
- **Goal 2 Housing**
 - Removed condition recommending connections to existing and future residential development in downtown
- **Goal 3 Industrial Development**
 - No changes



Summary of Amendments

- **Goal 4 Civic Development**

- Removed condition recommending 12 feet of clear unobstructed sidewalk in front of Cabela's
- Amended a condition recommending that 12 feet of clear unobstructed width should be provided from Building D1 on the west to the northeast corner of the public gathering multi-function open space.
- Removed condition recommending connections to existing and future residential development in downtown

- **Goal 5 Traffic and Transportation**

- Amended analysis and conditions to attribute comments to Washington County and ODOT.
- Clarified analysis describing private streets with public access versus a private street.
- Amended a condition to allow 12 feet for bike and pedestrian use on the north side of Nyberg Road between I-5 and the site entrance and removed a recommended 5 foot bike lane.



Summary of Amendments

- **Goal 6 Pedestrian and Bikeways**
 - Removed a condition recommending 12 feet of side walk on the north side of Nyberg Road to reflect changes made in Goal 5.
- **Goal 7 Transit**
 - Additional analysis recognizing and acknowledging this site is within the boundaries of the Southwest Corridor Plan which identifies the need for improved transit.
- **Goal 8 Utilities**
 - Additional analysis led to a new condition recommending the applicant explore vegetative treatment of stormwater where possible.



Summary of Amendments

- **Goal 9 Parks**
 - No changes
- **Goal 10 Flood Protection**
 - No changes
- **Goal 11 Design Considerations**
 - Removed a condition requiring a public entrance on the north and northeast corner of Cabela's
 - Reordered conditions recommending a tree maintenance plan, tree preservation plan and additional conifer trees plantings along I-5 frontage.



Review of Application

Important Dates

- Submitted Application on April 22, 2013
- Deemed Complete on May 22, 2013
- 120-day review period ends on Sept. 19, 2013

Analysis and Findings

- Staff finds that the proposed Master Plan can show consistency with CURD goals, subject to amended conditions.



CURD Plan Goals



Goals discussed on July 22

Goals 1, 5 and 11 identified for tonight's discussion


**1. Commercial
Development**

 **7. Transit**

 **8. Utilities**

 **2. Housing**

 **9. Parks**


 **3. Industrial**

 **10. Flood Protection**

 **4. Civic Development**

**11. Design
Considerations**

5. Transportation

 **6. Pedestrian and
Bikeways**



Proposed Conditions of Approval

Goal 1: Commercial Development

Council Direction Needed:

Should the number of drive-thru uses be limited to the existing number?



Proposed
New



Proposed Conditions of Approval

Goal 5: Traffic and Transportation

Condition(s):

The proposed Seneca Street extension to the Nyberg Rivers site with a signal at SW Martinazzi Avenue are constructed to the standards of a Minor Collector Street





Proposed Conditions of Approval

Goal 5: Traffic and Transportation

Condition(s):

The following are also necessary for this development (as noted by Washington County and ODOT):

1. A westbound right-turn lane on SW Nyberg Road
2. Two southbound left-turn lanes and a shared through/right-turn lane from the sites' access on SW Nyberg Road
3. Two inbound receiving lanes
4. The associated signal improvements at the main entrance





Proposed Conditions of Approval

Goal 11: Design Considerations

Condition(s):

~~Building 1040 shall have public entrance and windows on the north sides of at the northeast corner of the building~~

Additional window and architectural feature on each of the four sides of Buildings





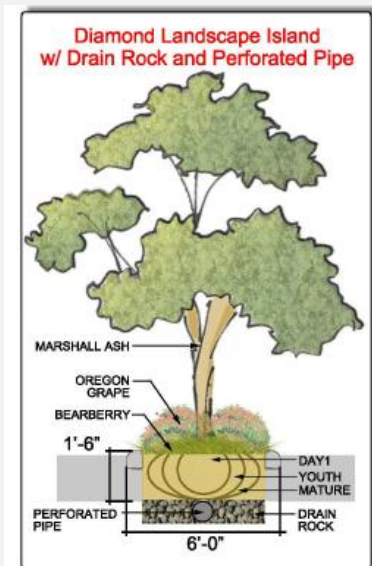
Proposed Conditions of Approval

Goal 11: Design Considerations

Council Direction Needed:

Are “diamond-style” planter areas sufficient to meet landscaping requirements?

*Staff report contains 2 alternate conditions





Proposed Conditions of Approval

Goal 11: Design Considerations

Condition(s):

A tree maintenance plan for all trees and a preservation plan to protect trees on the former Nyberg House site (where not possible, provide 3" caliper or 10-12 foot replacement tree plantings)

Provide additional tall-maturing conifer tree plantings along the site's eastern frontage along I-5





Possible Council Actions

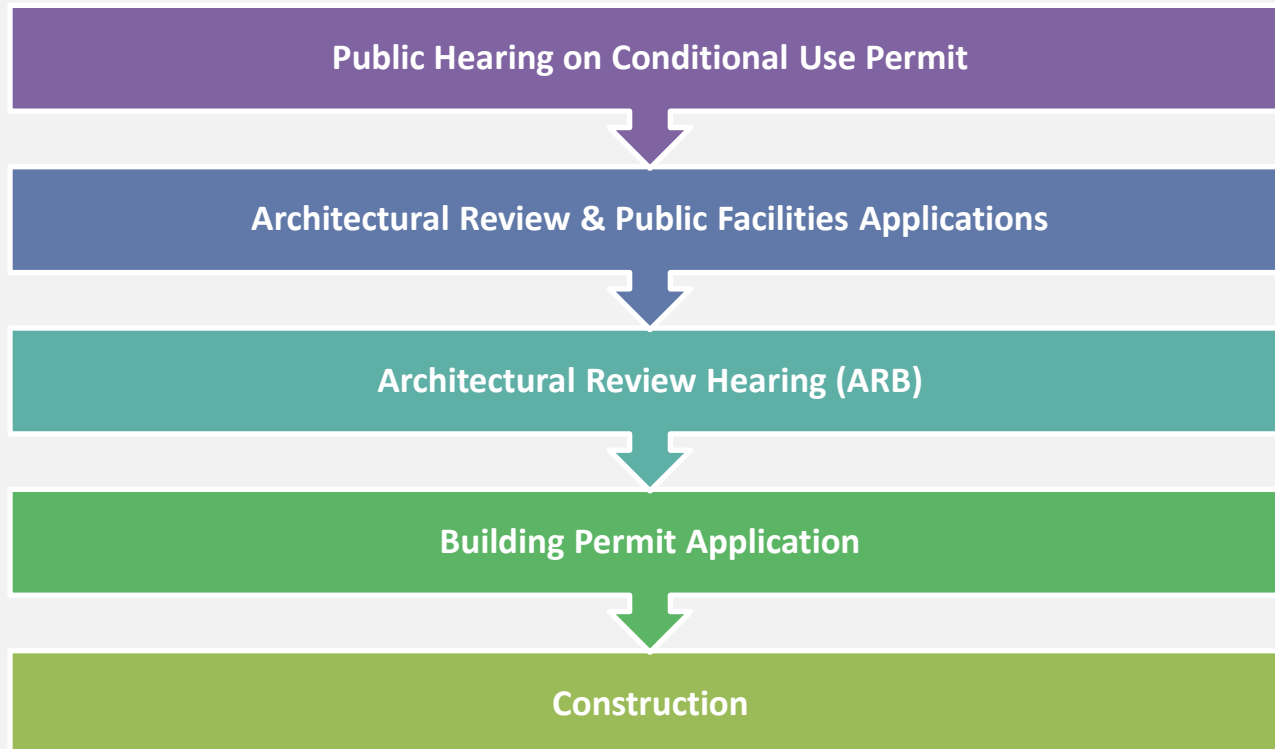
- Approve
- Approve with Conditions
- Deny

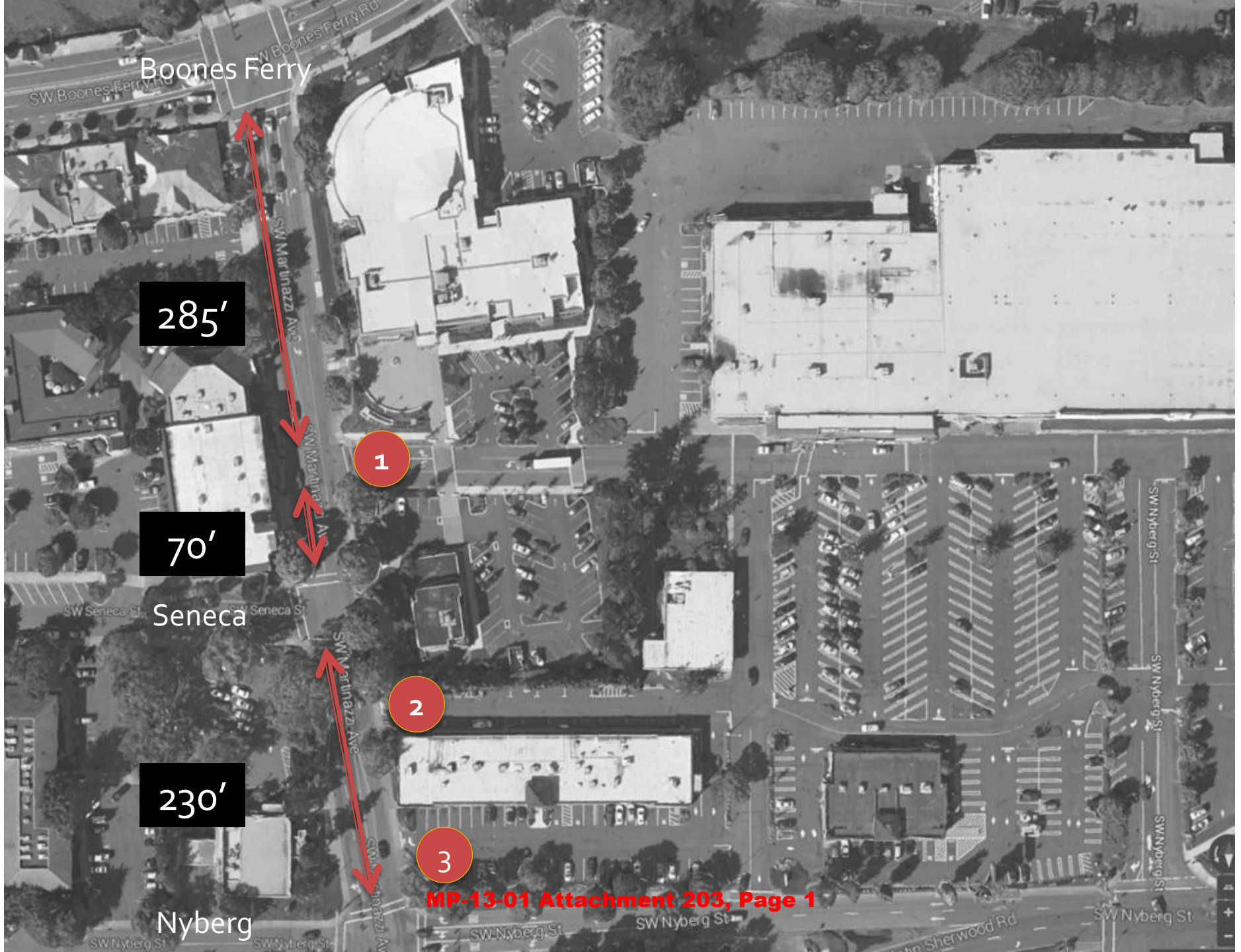




Next Steps

If the Master Plan is approved, these are the next steps:





Boones Ferry

285'

70'

Seneca

230'

Nyberg

1

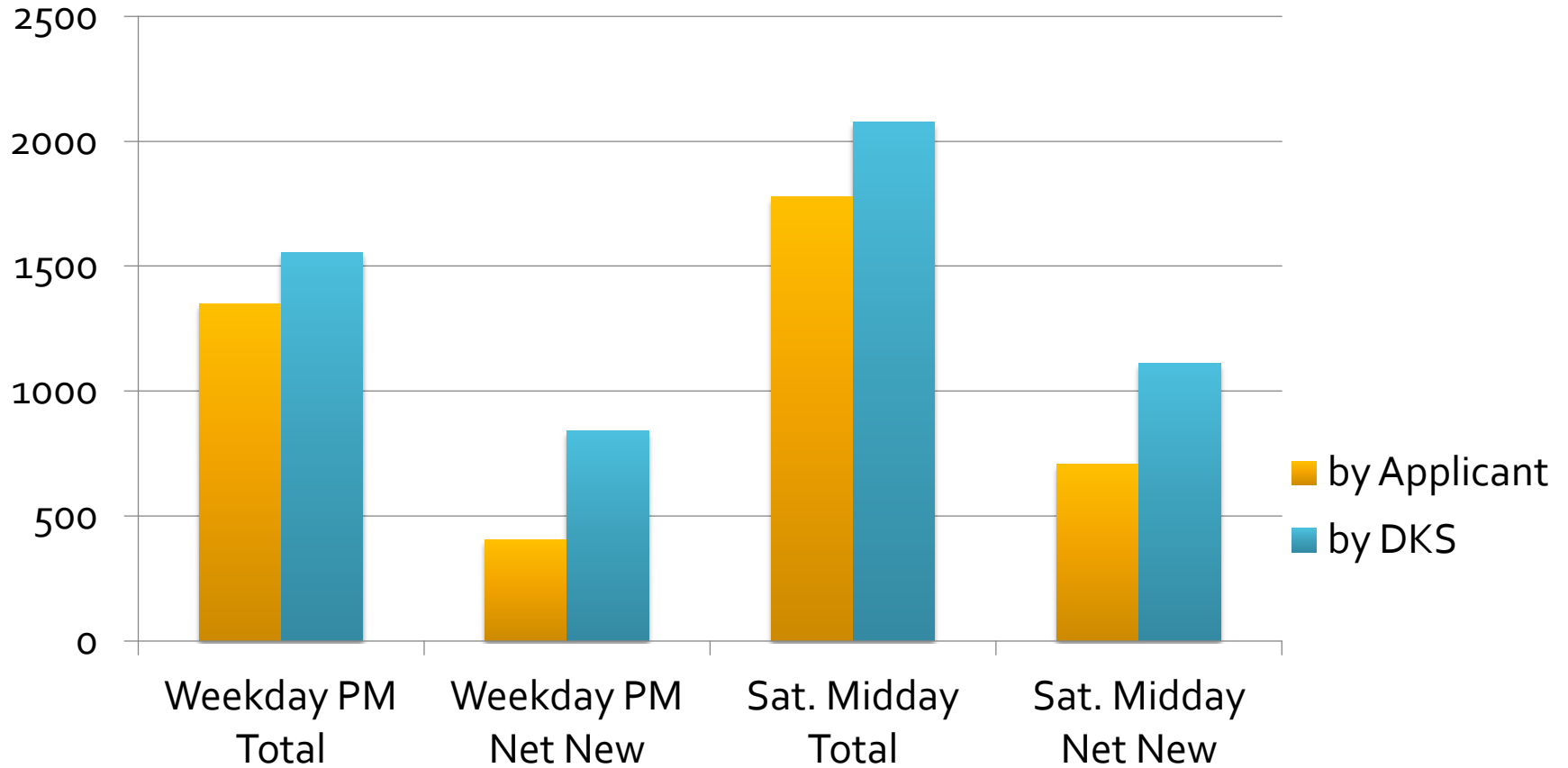
2

3

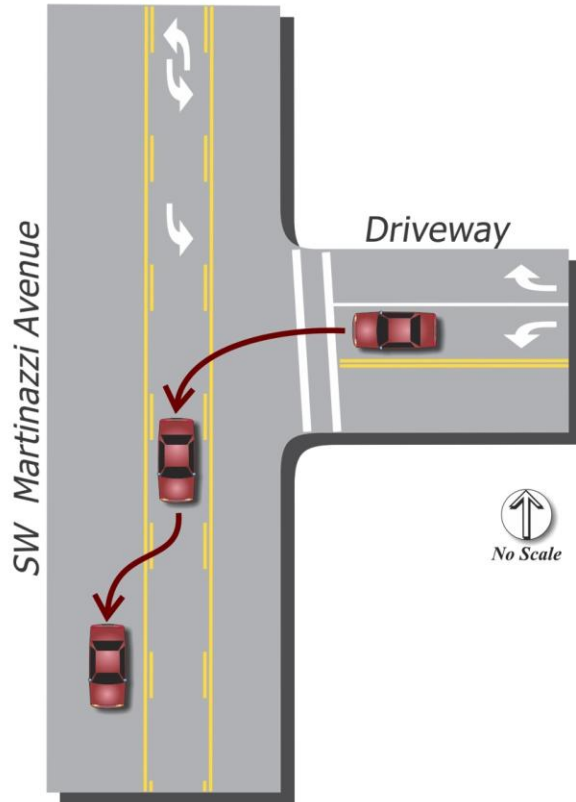
Activity Levels at Martinazzi Avenue Driveways

- Existing Conditions: 350 to 400 vehicles during busiest hours
- About 40% of traffic use Martinazzi Ave. driveways (the rest uses Nyberg driveways)
- About 300 vehicles use Driveway 1 (Library)
- Proposed Nyberg Rivers Project could add another 400+ vehicles (to all driveways)

Traffic Generation Estimates For The Nyberg Rivers Site

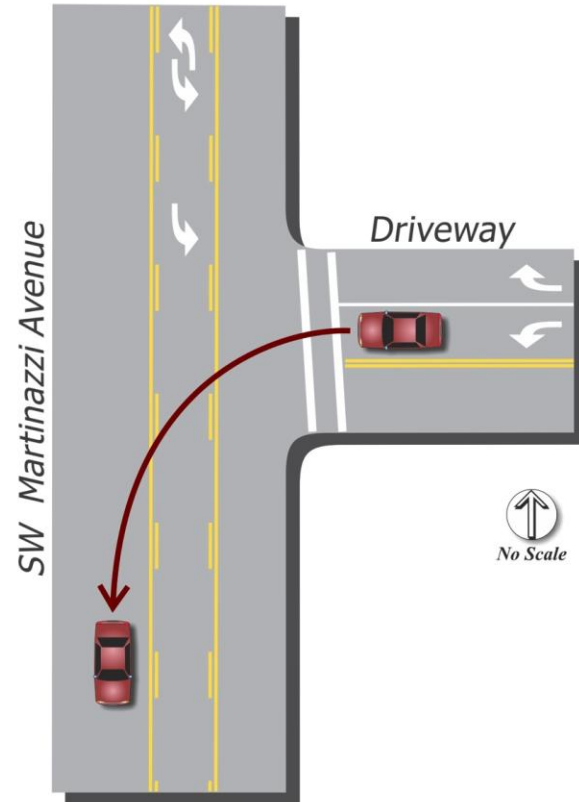


Left-Turns onto SW Martinazzi Ave



Two-Stage Crossing

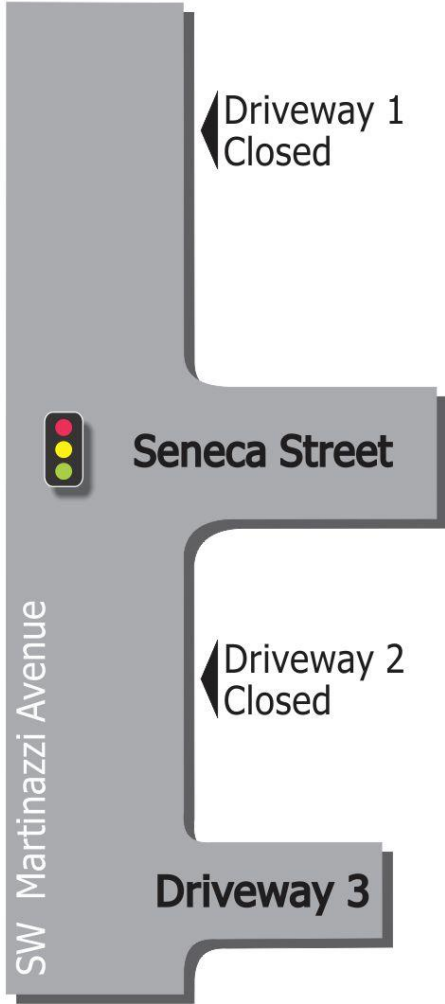
April 2013
Applicant Submittal



One-Stage Crossing

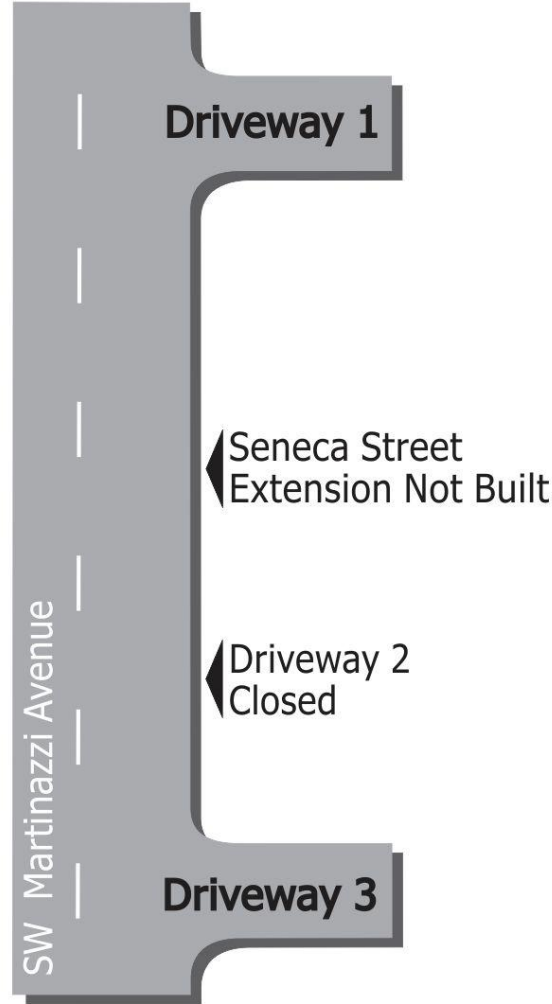
June 2013
DKS Analysis

Scenario 1



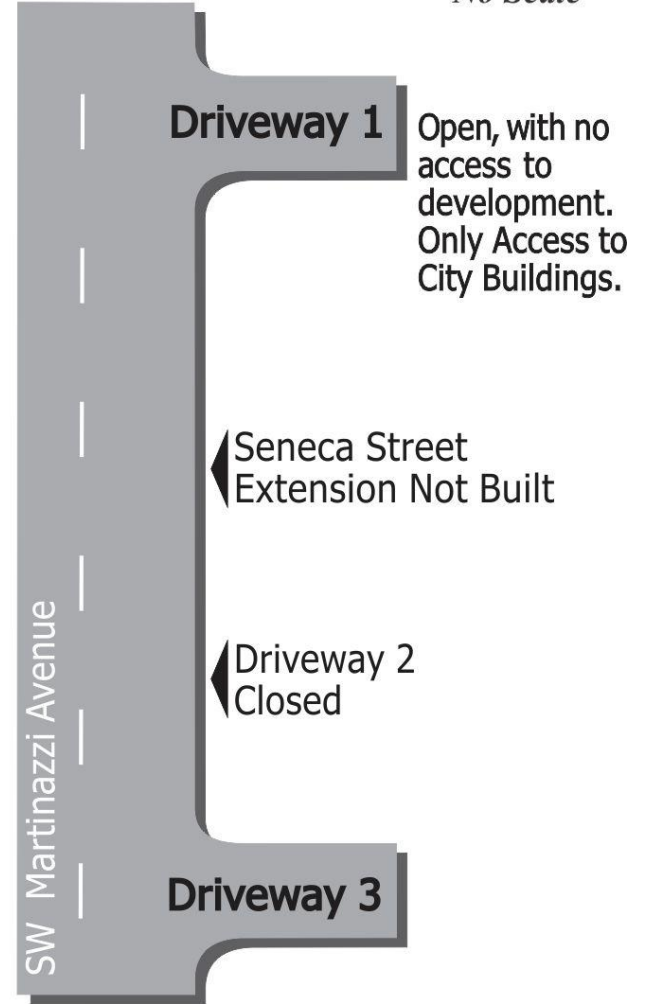
Nyberg St.

Scenario 2



Nyberg St.

Scenario 3



Nyberg St.



No Scale

Alternative Access Results

Peak Hour Operations	Scenario 1 (Seneca Ext. / Signal)	Scenario 2 (Driveway 1 Connected)	Scenario 3 (Driveway 1 Disconnected)
Do study Intersections operate within standards?	Yes	Yes, except at Martinazzi / Driveway 1	No. Three Martinazzi intersections fall below standards (at Boones Ferry, Dwy. 1, Seneca)
Can driveways adequately serve vehicle queues on-site?	Yes	No. Limited access onto Martinazzi creates major queues during peak hours	No. Limited access onto Martinazzi creates major queues during peak hours
Other Issues	New signal interconnect with Nyberg / Martinazzi intersection needed		Diversion to right- in/right-out onto Boones Ferry congests BFR / Martinazzi

Alice Rouyer
City of Tualatin, Community Development
18880 SW Martinazzi Ave.
Tualatin, OR 97062

July 31, 2013

Re: Nyberg Rivers Master Plan response to July 22, 2013 City Council Hearing
for inclusion in Public Record for August 7, 2013 City Council Hearing

Alice,

We are re-submitting the following documents for you to include with your submittal to the City Council for the August 7, 2013 City Council meeting:

1. Response from our attorney Christe White to Steve Pheiffer's letter to Mayor Lou Ogden dated July 22, 2013. The response also includes a response from our Traffic Engineer, Kittelson and Associates addressing issues brought up by Group MacKenzie.
2. A revised Site Plan incorporating the following changes:
 - a. Elimination of the 5th drive-through, replacing it with a stand-alone building
 - b. Buildings G,H & I have been clustered together in response to City Council and ARB member requests. Building H has increased in square footage – see revised Site Legend
 - c. A fire pit – public gathering space has also been incorporated into the Site Plan
 - d. The right-in/right-out access road to Martinazzi behind Building A has been eliminated
 - e. The right-out to Martinazzi in the Southwest corner of the development has been closed
 - f. A "parklet" has been added to the Southwest corner of the development
3. A Memo from Cardno WRG addressing landscaping issues discussed at the July 22, 2013 City Council Hearing. Specifically this memo addresses the landscape diamonds on the Site Plan.
4. A Memo from Cardno WRG addressing the Tree Removal and Preservation associated with the Master Plan. This Memo includes an arborist report.

We would like the attached documents to be included as part of the public record and the City Staff submittal to the City Council members for review prior to the next City Council meeting.

In addition to the package we are submitting today, we will have a PowerPoint presentation that we will submit the day of the Hearing with some enhanced elevations and views of the development. Please note that this PowerPoint will contain *no* new information, but rather an elaboration of the elevations and views already submitted as part of the Master Plan.

Please feel free to call with any questions.

Sincerely,

Harry C. Murphy
CenterCal Properties, LLC

July 30, 2013

VIA HAND DELIVERY

Mayor Lou Ogden
City Council
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

Re: Response to Hedges Greene Shopping Center's July 22, 2013 Letter Regarding the Nyberg Rivers Master Plan

Dear Mayor Ogden and City Council Members,

This office represents CenterCal in its efforts to redevelop and revitalize the Nyberg Rivers shopping center. You have a staff report recommending approval of the proposed shopping center as well as proposed conditions of approval that the City believes will not only mitigate all measurable impacts of the development but also ensure that the development complies with all of the applicable code standards.

At the last hearing on July 22, 2013, a representative of Hedges Greene Shopping Center submitted a letter into the record and offered testimony objecting to the proposal based on perceived traffic issues and general design. This letter addresses each of those claims and demonstrates again how the proposal is fully compliant with all relevant code requirements.

As a threshold matter, according to the Central Urban Renewal Plan, Hedges Greene is a "strip center in the heart of downtown." (CURP at page 33). Thus, CenterCal understands Hedges Greene's interest in maintaining sufficient capacity in the transportation system to continue serving its development. However, the expert evidence in the record demonstrates that each of the claims made by Hedges Greene is without merit and their development will continue to be served by adequate transportation facilities.

Adequacy of the TIA

Hedges Greene claims that based on the competing traffic reports of DKS and MacKenzie, the City must find that the transportation system cannot accommodate the proposed use. There are several fundamental flaws with this claim.

DKS

First, DKS suggests that Kittelson's April 2013 Transportation Impact Analysis (April 2013 TIA) underestimates site trip generation and should have individually accounted for a grocery store and fast-food restaurant. Kittelson provided a comprehensive rebuttal of this claim in its July 22, 2013 letter to Sherilyn Lombos supplied to the City Council at the last hearing. A copy of

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the letter is attached here as Exhibit 1. Kittelson bases its expert conclusion on a comparison of the April 2013 TIA methodology to two other existing sites in Tualatin including Nyberg Woods to the east and Bridgeport Village to the north. Further, Kittelson finds that there is no traffic engineering basis for the approach taken by DKS and the DKS calculation errors significantly overestimate the net increase in trip generation.

In short, Kittelson reviewed traffic counts at Bridgeport Village and Nyberg Woods using the same methodology that is proposed here.

In both cases, use of ITE Shopping Center data (*without breaking out the grocery store separately*) overestimates the actual site trip generation by at least 20%. As detailed in Kittelson's June 21, 2013 letter, similar comparison of Saturday peak hour data found the actual trip rate was approximately 25 % lower than that forecast at Bridgeport Village and 7% at Nyberg Woods with the ITE Shopping Center trip generation rate.

Based on the case studies above and the mix of uses they reflect, we remain confident that use of the ITE Shopping Center data as applied in the April 2013 TIA is not only appropriate, but likely *overestimates* the impact of the proposed development.

The DKS Report also claims fault with the analysis for access to SW Martinazzi Avenue. However, as the Kittelson response in Exhibit 1 details, the DKS claim is based on outdated information. The Applicant provided a May 16, 2013 supplemental analysis relying on additional field-collected data on site at the existing City Hall/Library driveway that is specifically calibrated to the available gaps and capacity on SW Martinazzi Avenue. This is a far more accurate method than that used by DKS. The DKS claims are not based on field-collected data but instead based on software-based analysis that relies upon unreasonably high site trip generation estimates and an assumption that drivers won't use other available site driveways with less delay and queuing, which is clearly unreasonable.

The applicant therefore requests that the City reject the Hedges Greene's claims based on the DKS report. Any traffic impact mitigation measures proposed by the DKS report are not grounded by substantial evidence in the record and should be rejected.¹

MacKenzie

Kittelson has reviewed and analyzed each of the claims made in the MacKenzie memorandum offered into the record on behalf of Hedges Greene. Kittelson's comprehensive response to the MacKenize claims is attached as Exhibit 2 and is incorporated herein by reference.

¹ The applicant has voluntarily agreed to accept the Seneca Street extension as a condition of approval with the condition that the City provides the ROW (including the removal of the existing City building). This extension is not required to mitigate any traffic impacts from the proposed development but is instead offered in response to City requests to accommodate the Seneca Street extension as part of the larger site plan, complete the Loop Road called for the in the City's TSP and integrate it with the retail center when the City is prepared to redevelop its own property.

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In addition to Exhibit 2, Fred Meyer has also weighed in on the proposal. Fred Meyer is the largest, closely proximate retailer to the project and shares an access intersection with the proposed development. Fred Meyer presumably would have the most credible claim to unacceptable traffic impacts, should they exist.

Fred Meyer has reviewed Kittelson's traffic analysis and has reached the independent conclusion that redevelopment of Nyberg Rivers, with the planned improvements to their main driveway on SW Nyberg, will not negatively impact the transportation facilities in the area in light of the transportation improvements that will accompany the project. Consistent with this finding of no impact, Fred Meyer has submitted a strong and unequivocal letter of support into the record. Conversely, the Hedges Greene Shopping Center is located approximately 1/4 mile from the project site. It is not located adjacent to the project like Fred Meyer and the traffic analysis unequivocally demonstrates that the project will have no measurable impact on that strip center. While we can understand Hedges Greene's initial concerns as a competing grocery-anchored shopping center, these motivations are not valid objections to a land use application.

Access

TDC 75.060 (1) states that existing driveways with access onto arterials on the date Chapter 75 was originally adopted are allowed to remain. If additional development occurs on properties with existing driveways with access onto arterials then the entire site shall be made to conform. The City Engineer is also given the authority under TDC 75.060(2) to restrict existing driveways to right-in and right-out to conform to TDC 75.060.

There are three existing driveways on the property with access to an arterial. Two of these driveways access Martinazzi and one (SW 75th) has site access from Nyberg Street. The driveway between SW Martinazzi and the main entrance is from the section of SW Nyberg defined as a minor collector and therefore is not regulated by TDC 75.060. The applicant initially proposed to close 2 of the 3 existing driveways with access onto the arterials. In compliance with TDC 75.060, the applicant will close both of the driveways with access onto Martinazzi and the 75th entrance off of Nyberg Street. With this additional driveway closing, the site plan fully conforms to TDC 75.060.

Loop Road In Compliance with the TSP

Hedges Greene claims that the applicant is proposing "parking aisles with street-like qualities" instead of the minor collector Loop Road shown on the TSP. Hedges Greene misreads the site plan and proposal.

The applicant is providing a Loop Road in the location permitted by the TSP and has designed that road consistent with the terms of the Urban Renewal Plan. Exhibit 3, page 1 is an excerpt from the adopted TSP. Figure 1 shows a "future minor collector" on the project site. The future minor collector is shown as a dashed green line that connects Boones Ferry with

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Seneca Street and SW Nyberg Street. No specific alignment is proposed in the TSP. Rather, Figure 1 expressly states:

“Future roadway alignments are approximate and subject to additional engineering and design.”

The TSP further provides that the function of this minor collector is to “connect two major arterials, SW Boones Ferry Road and SW Nyberg Street.” (Exhibit 3, page 2). The TSP Figure 1 shows the additional task of connecting Seneca Street to Boones Ferry and SW Nyberg through the site.

The proposed location of the Loop Road is shown on Exhibit 4. This location is in the same conceptual location shown in the 2013 TSP. (See Exhibit 3, page 1). Contrary to Hedges Greene’s claim, the Loop Road is not in the parking lot drive aisles. Instead the Loop Road commences at Boones Ferry Road continues through the site connecting with the improved Seneca Street and continues with a through connection to SW Nyberg Street. This location is highly consistent with the TSP, Figure 1 and fully meets the desired objective of the Loop Road which is to connect Seneca Street, Boones Ferry and SW Nyberg Street. The Urban Renewal Plan also specifically addresses the design of the Loop Road under the section entitled, Public Improvements at page 19. There the Plan defines the Loop Road as a minor collector. It then states:

“This *entire street will be a special section*, but will *generally* follow Street Section Cb and be modified as specific areas warrant.” (Emphasis added).

Street Section Cb provides two travel lanes, bike lanes, a plant strip and a sidewalk for a total cross section of 60 feet. Cross section Cb found at Figure 75-2E of the TDC is also entitled “Recommended Collector Street Design Standards.” The standard is not prescriptive and like the Urban Renewal Plan can be a special section that is modified as specific areas warrant. Accordingly, not only is the Loop Road specifically called out as a special section in the Urban Renewal Plan with anticipated modifications to the minor collector standards, the standard referenced also provides a recommendation that can be modified by the City Engineer or, in the case of a master plan, by the City Council.

Here, the proposed Loop Road cross sections are consistent with the description of the Loop Road in the Urban Renewal Plan. Each cross section is attached as Exhibit 5. The cross sections provide sidewalks and/or shared paths, bike facilities, at least 2 travel lanes, and landscaped planter areas. In some cases, these cross sections provide even greater ultimate width than is shown in Minor Collector Cb (75-2E).

The Loop Road is not a “parking aisle.” It is designed to meet the needs of a minor collector and in some cases exceeds the recommended width of a minor collection. In its role as the final City review body of the master plan, the City Council has the final authority to approve the proposed location and design of the Loop Road. (See Central Urban Renewal Plan at page

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36, paragraph 4). The applicant therefore respectfully requests that the City Council approve the Loop Road as proposed.

CURD Goal 3

Here the claim is that by developing property within the northwest corner of the CURD within the permitted densities established by code, the applicant is discouraging industrial development in the southwest corner of the Urban Renewal Area. Staff found this Goal inapplicable to the application and we concur. The expert traffic study demonstrates by substantial and credible evidence that the proposal has mitigated for its traffic impacts and in some cases has improved traffic functions above current operations. Thus, it is not credible to argue that industrial redevelopment will be discouraged by this proposal. Hedges Greene offers no specific data to support this argument and invites the Council instead to support a general statement with no basis in fact. We respectfully request that the City Council reject this argument on the basis of the substantial traffic evidence to the contrary and the desire to permit properties within the URA to develop within their permitted densities

CURD Goal 5

CURD Goal 5 states: "To provide transportation access and circulation which is supportive of central area development." The applicant has provided a proposal that includes the following improvements:

1. Creation of Seneca Street and the Loop Road through the site as contemplated in the TSP;
2. Improvements to the SW Nyberg Street/the development site/Fred Meyer intersection that will maintain acceptable levels of operations for these facilities;
3. Widening of SW Nyberg Street with a right turn lane and pedestrian and bicycle improvements;
4. Signalization of SW Martinazzi Street and Seneca;
5. Closure of existing site driveways, two along Martinazzi and the SW 75th driveway;
6. Extensive pedestrian and bicycle improvements on and off site.

Some of these improvements have actually resulted in not only mitigating the impacts of the proposed development, but, as detailed in the Kittelson TIA, they have also improved existing levels of service at multiple intersections. These improvements, amongst others, together with the findings in the Kittelson studies, demonstrate that the applicant has provided transportation access and circulation which is supportive of central area development.

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CURD Goal 7

CURD Goal 7 asks to support development of the multi-modal transportation in order to provide alternatives for residents and employees in the URA. Hedges Greene claims that this goal is achieved by increasing density which would then necessitate use of WES. This is a unique read of Goal 7. First Goal 7 applies to all transportation alternatives. The development site contains a Tri-Met bus stop along Martinazzi offering bus service directly to the site.

In addition, as Hedges Greene has argued, the site is within an estimated 1/4 of the WES station. Several studies that focused on acceptable walking distances from transit to retail or residential uses concluded that 1/4 mile is a comfortable walking distance, and retail services within 1/4 mile of transit are likely to be utilized (due to accessibility) by public transit users. For example, Dittmar and Ohland (2004) wrote: "The optimal walking distance between a transit station or stop and a place of employment is 500 to 1,000 feet. Residents are willing to walk slightly longer distances to get to transit, between a quarter- and a half-mile."

Repeated studies reach this same conclusion:

The Mid-America Regional Council Transit-Supportive Development Guidebook, New Jersey Transit (1994), Ontario Ministry of Transportation (1992) all concur that most people are willing to walk 1500 feet (0.28 mi.) to shopping or transit.

The Snohomish County (Washington) Transportation Authority (1989) agrees with this conclusion and wrote: "People can be expected to walk no more than 1,000 feet to a bus stop or a park-and-ride parking space. The walking distance increases slightly, to 1,320-1,758 feet (1/4 to 1/3 of a mile), for rail station access."

Consistent with these findings, a retail center located 1/4 mile from a public transit (bus or WES) stop would accommodate pedestrian access to the retail center and would be supportive of Goal 7.

Conditions From Washington County and ODOT

We agree that the conditions requested by Washington County and ODOT were not included in the staff report and we have no objection to those conditions.

Urban Planning and Design

There are several issues with Hedges Greene's characterizations on this issue. First, the site is one of many sites located in the Town Center designation on Metro's 2040 Growth Concept Map. The Town Center designation applies to almost the entire URA. It is wrong to conclude that each property carrying that designation must individually meet a prescriptive standard for employee and resident density. Instead, Metro Title 3.07.640.A states that 40 is the *average* number of residents and workers per acre *recommended* for a TC zone. Review of the express language of Title 6 makes it clear that the average does not apply site-by-site but

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instead over the TC designated properties (here almost the entire URA) and that 40 residents/employees per acre is a recommended target not a requirement.

With these important clarifications, the City has not yet adopted any TC zoning regulations or development standards and Metro's Title 6 is not yet directly applicable to the City. (See 3.07.810). Under ORS 227.178(3) (a), the application is subject only to the regulations that were in effect at the time of the complete submittal. The TC regulations are still not in effect and therefore are not relevant or applicable here.

Hedges Greene also claims that a code provision that establishes maximum height at 60 feet and no minimum height effectively requires an applicant to maximize density through meeting the maximum height requirement. There is no support for that interpretation in the code. The code allows up to 60 feet in height on this site. The proposal is within this 60 foot height requirement. There is no minimum height requirement.

The site is zoned CC and CO. All of the uses proposed are permitted outright with two conditional uses: (1) Cabela's outdoor storage and sales; and (2) the portion of the Cabela's in the CO zone. The site is not zoned for mixed use and there is no code requirement that mandates a certain amount of residential on this commercially zoned site.

Despite the erroneous characterization as a "power-center," the site is a New Seasons-- and Cabela's-anchored mixed retail center with small independent uses, offices, food and beverage and larger retail uses. It is a partially developed center that will become denser through this proposal. It is located immediately adjacent to a multi-family residential development and is within easy access of transit and downtown.

Hedges Greene may have different mixed use aspirations for its site located immediately adjacent to the downtown core and we support those aspirations. Not every site in the URA may accommodate maximum densities. If that were the case, Hedges Greene's concerns about the transportation system may come to pass and there will be little diversity in the urban form and options available in Tualatin.

The proposed project is a vast and significant improvement with extensive transportation improvements, pedestrian and bicycle paths, and an Oregon-themed landscape plan. The proposal meets all of the CURD goals as articulated in the staff report and as conditioned by the City. It is an important redevelopment project that will be catalytic to further redevelopment in the immediate area.

Thank you for this opportunity to respond and we respectfully request approval of the application.

Best regards,



Christie C. White



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

July 22, 2013

Project #: 12116.0

Sherilyn Lombos, City Manager
City of Tualatin
18880 SW Martinazzi Ave.
Tualatin, OR 97062

RE: Response to DKS Supplemental Traffic Analysis Included in City of Tualatin's Staff Report for the Nyberg Rivers Master Plan

As a follow-up to your correspondence with Fred Bruning, Centercal Properties, LLC, this letter addresses the July 11, 2013 *Nyberg Rivers Supplemental Traffic Analysis* prepared by DKS Associates (herein referred to as the *Supplemental Traffic Analysis Review*) for the Nyberg Rivers project in Tualatin, Oregon. An executive summary is presented below followed by additional details. Please include this as part of the formal record for the Nyberg Rivers Master Plan application.

EXECUTIVE SUMMARY

The *Supplemental Traffic Analysis Review* identifies two fundamental issues, trip generation and access.

Trip Generation:

The *Supplemental Traffic Analysis Review* opines that the April 2013 Transportation Impact Analysis (April 2013 TIA) underestimates site trip generation and should have individually accounted for a grocery store and fast-food restaurant.

- In our professional opinion, we conclude the April 2013 TIA trip generation offers the most reliable trip generation estimate. We base this conclusion on:
 - Comparison of the April 2013 TIA methodology to two other existing sites in Tualatin including Nyberg Woods to the east and Bridgeport Village to the north; and
 - Calculation errors and no traffic engineering basis for the approach taken by DKS in the *Supplemental Traffic Analysis Review* trip generation.

Access to SW Martinazzi Avenue:

The *Supplemental Traffic Analysis Review* compares the April 2013 TIA queuing with the probable gap acceptance of left-turn vehicles and queuing on SW Martinazzi Avenue at a theoretical level.

- The review assessment is based on outdated information. The Applicant provided a May 16, 2013 supplemental analysis relying on additional field-collected data on site at the existing City Hall/Library driveway that is specifically calibrated to the available gaps and capacity on SW Martinazzi Avenue. This is a far more accurate method than that used by DKS.
- The *Supplemental Traffic Analysis Review* methodology uses software-based simulation analysis that relies upon 1) unreasonably high site trip generation estimates and 2) an assumption that drivers won't use other available site driveways with less delay and queuing, which is clearly unreasonable.

The specific Comments/Conclusions made in the *Supplemental Traffic Analysis Review* are included in *italics* below followed by our response and any necessary supporting documentation.

ISSUE 1 - REFINED TRIP GENERATION

DKS Comment: *Based on our review of the Nyberg Rivers Master Plan, we recommend an alternative trip generation estimate be used for the proposed development. Rather than treating all uses the same (i.e., part of a single "shopping center" land use category), as was done in the April 2013 TIA, we recommend treating several uses separately since they are significantly different from typical shopping center use. When these uses are treated separately, the resulting net increase in peak hour traffic generation is 405 to 435 trips higher than the estimates in the applicant's TIA report.*

Response Refined Trip Generation Comment:

Kittelson & Associates, Inc. prepared and submitted a June 21, 2013 letter that provided a detailed summary of trip generation considerations in response to City staff questions regarding the April 2013 TIA. For reasons previously stated in our June 21, 2013 letter, we continue to strongly disagree with the premise that some uses should be separated from the shopping center for the purposes of the TIA.

In our professional opinion, there is no traffic engineering basis for separating the highest trip generating uses from the shopping center as the *Supplemental Traffic Analysis Review* suggested and then continuing to apply the shopping center trip generation rate for the lower trip generating uses (which assumes a blend of higher and lower trip generating uses). The result of the DKS approach is in an unreasonably high trip generation estimate. To support this opinion, two case studies of local shopping centers are presented for illustrative purposes.

Case Study 1) Bridgeport Village Trip Generation Comparison

To provide further evidence that the using the ITE shopping center trip generation rate results in a reasonable yet conservative estimate of trip generation, we reviewed the trip of Bridgeport Village as described below.

- Traffic counts were completed at all of the driveways serving Bridgeport Village in 2007.

- At the time Bridgeport Village had approximately 440,000 gross square feet of leasable retail floor area (GLA) which included a Wild Oats supermarket.

Table 1 compares the traffic count results with ITE *Trip Generation, 9th Edition* data.

Table 1 – Bridgeport Village Site Traffic Counts Compared ITE Shopping Center Trip Data

Data Source	PM Peak Hour Trip Rate (Trips/1,000 Square Feet of Gross Leasable Area)	Comments
On-site Field Traffic Counts	2.99	Actual Trip Generation
ITE Trip Generation <i>Shopping Center</i>	3.67	23% Higher Than Actual

As shown in Table 1, use of ITE Shopping Center data (*without breaking out the grocery store separately*) overestimates the actual site trip generation by over 20%. As detailed in our June 21, 2013 letter, similar comparison of Saturday peak hour data found the actual trip rate was approximately 25 percent lower than that forecast with the ITE Shopping Center trip generation rate.

Clearly, further increasing the site trip generation estimate by breaking out the grocery store and other individual pad buildings at Bridgeport Village would exacerbate the over-estimation of trips.

Case Study 2) Nyberg Woods Trip Generation Comparison

Similar to Case Study 1, we reviewed the trip of Nyberg Woods (located directly across I-5 to the east of the site) as described below.

- Traffic counts were completed at all of the Nyberg Woods driveways in 2012.
- At the time Nyberg Woods had approximately 207,000 gross square feet of leasable retail floor area (GLA).

Table 2 compares the traffic count results with ITE *Trip Generation, 9th Edition* data.

Table 2 – Nyberg Woods Site Traffic Counts Compared ITE Shopping Center Trip Data

Data Source	PM Peak Hour Trip Rate (Trips/1,000 Square Feet of GLA)	Comments
On-site Field Traffic Counts	3.74	Actual Trip Generation
ITE Trip Generation <i>Shopping Center</i>	4.71	26% Higher Than Actual

As shown in Table 2, the ITE Shopping Center trip generation rate was also over 20 percent higher than the actual trip generation rate during the weekday p.m. peak hour. The actual Saturday midday peak hour trip rate was found to be approximately 7 percent lower than the ITE Shopping Center trip generation rate.

Based on the three case studies above and the mix of uses they reflect, we remain confident that use of the ITE Shopping Center data as applied in the April 2013 TIA is not only appropriate, but likely *overestimates* the impact of the proposed development.

Other Considerations:

The *Supplemental Traffic Analysis Review* states that a separation of the grocery and fast food land uses would result in a net increase of 435 weekday p.m. peak hour trips and 405 Saturday midday peak hour trips compared the April 2013 TIA trip generation estimates.

In addition to the case study examples, we further note that is not possible to directly compare the trip estimates provided in the April 2013 TIA and the *Supplemental Traffic Analysis Review* for the following reasons:

- The two methodologies are fundamentally different in how they account for existing uses that are proposed to remain on the site after redevelopment occurs (the *Supplemental Traffic Analysis Review* is not reflective of the actual building area changes proposed).
 - The shopping center square footage is overestimated in the *Supplemental Traffic Analysis Review* methodology. The actual proposed shopping center square footage is approximately 190,931 square feet, not the 232,043 square feet used in the *Supplemental Traffic Analysis Review*.
- The *DKS Supplemental Traffic Analysis Review* assumed a 10% internalization reduction whereas the April 2013 TIA methodology assumed a 20% reduction. DKS offers no basis or research to support the 10% internalization assumption whereas there are multiple research studies supporting the 20% internalization reduction including the *ITE Trip Generation*. Further, their internal trip reduction did not account for the existing retail development on site.
- The *DKS Supplemental Traffic Analysis Review* assumed no trip reduction for the vacant K-mart and Jiggles uses. Data collected on-site when the original traffic counts were conducted (used in the April 2013 TIA) revealed these uses accounted for approximately 200 weekday p.m. peak hour trips (this oversight alone accounts for approximately half the difference they reported).

Because of the above discrepancies and the fundamental difference in structure of the two methodologies, a meaningful side-by-side comparison cannot be made.

ISSUE 2- SW MARTINAZZI AVENUE DRIVEWAY OPERATIONS

The *Supplemental Traffic Analysis Review* included the refined trip generation analysis and a Synchro-based operations assessment of the SW Martinazzi Avenue site driveways. Particular emphasis was made regarding the April 2013 TIA's use of two-stage gap acceptance and queuing analyses that didn't consider the interaction with adjacent upstream and downstream traffic signals.

Response #1 to the SW Martinazzi Avenue Driveway Operations Comment

Kittelsohn & Associates, Inc. provided a revised assessment of driveway operations along SW Martinazzi Avenue in the May 16, 2013 *Additional Nyberg Rivers Traffic Analysis* and the June 21, 2013 *Response to City of Tualatin June 3, 2013 letter (Preliminary Review Comments: Nyberg Rivers Master Plan)*. This revised assessment included a detailed calculation of SW Martinazzi Avenue driveway operations using field-calibrated capacity calculations. This field-calibrated data takes into consideration the two-stage gap acceptance concerns noted in the *Supplemental Traffic Analysis Review* and is a more reliable assessment of future conditions.

The comments provided in the *Supplemental Traffic Analysis Review* address the April 2013 TIA, not the subsequent detailed analyses prepared and presented responding to initial City staff-provided comments. The May and June 2013 materials cited above and provided by Kittelsohn & Associates, Inc. address the issues raised in the *Supplemental Traffic Analysis Review* and provide reliable site-specific data. Accordingly, we stand by our findings from the May and June 2013 supplemental letters and conclude that the SW Martinazzi Avenue/City Hall driveway can continue to operate within standards with the proposed project.

Response #2 to the SW Martinazzi Avenue Driveway Operations Comment

The *Supplemental Traffic Analysis Review* methodology relies upon SimTraffic simulation software to produce queuing results at the site driveways to SW Martinazzi Avenue. The reported findings indicate that the site will incur extreme vehicle queue lengths during the peak time periods; however, no technical documentation of the software analysis results is provided.

Notwithstanding the reported but undocumented simulation results in the *Supplemental Traffic Analysis Review*, the findings (including a reported queue of 2,000 feet (almost ½ mile) at one driveway) are clearly not reasonable and suggest no attempt was made to calibrate the simulation model to existing conditions (a significant modeling oversight) and/or conduct a more reasonable future conditions analysis. The proposed redevelopment site has multiple driveways that provide alternative egress routes. Given most drivers naturally identify and drive routes with the least delay/shortest path, it is unreasonable to suggest the extreme vehicle queue lengths being reported in the *Supplemental Traffic Analysis Review* will ever be realized. Furthermore, the *Supplemental Traffic Analysis Review* is predicated on site trip generation estimates that we believe are grossly over-estimated as documented in the response to Issue #1.

Thank you for the opportunity to respond to the *Supplemental Traffic Analysis Review* comments. Please contact us with any questions you may have.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Mark Vandehey, P.E.



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

July 30, 2013

Project #: 12116

Christe White
Radler, White, Parks & Alexander, LLP
111 SW Columbia Street, Suite 1100
Portland, OR 97062

RE: Response to Mackenzie Nyberg Rivers Transportation Review Letter

This letter addresses the transportation issues identified in the July 22, 2013 letter from Brent Ahrend to Bob Durgan. Each of the Mackenzie comments are italicized followed by our response.

Comment: A corridor analysis should be provided to replicate the effects of adjacent intersections on delay and vehicle queues.

Response: We disagree. The Kittelson analysis conducted in the April 2013 TIA and supplemental material reasonably estimate the traffic impacts associated with the Nyberg Rivers proposed development plan. The operations analysis conducted at the study intersections was performed using Synchro and SimTraffic. For the SW Tualatin-Sherwood Road corridor which operates under an adaptive signal control, these programs are sufficient at capturing and assessing the effects of traffic interaction between adjacent intersections.

At the intersection where the project is anticipated to have the most significant impact (SW Nyberg Road/SW Tualatin-Sherwood/Fred Meyer/Site driveway), field observations confirmed that deterministic queuing estimates presented in the TIA are reasonable and can be relied upon for future operational and design considerations.

Comment: Effects of WES rail crossings should be addressed (it has been ignored in the analysis), notably for queue spillback to other intersections.

Response: We disagree. First, it should be noted that the Nyberg Rivers project is forecast to have an insignificant impact to the SW Boones Ferry/SW Tualatin-Sherwood Road intersection (less than two percent increase in traffic and less than one vehicle per signal cycle on any approach). Regardless, during the 4 to 5 times per peak hour WES pre-empts the eastbound and westbound movements, additional green time is allocated to the north-south through movements on SW Boones Ferry Road. Depending on when the pre-emption occurs, additional green time is then provided to the east-west through movements in the subsequent signal phase to attempt to compensate for lost green time in the previous phase. As a result of WES, the average control delay results shown at this intersection for all conditions (existing, background and total) may be slightly underestimated for some movements and slightly overestimated for others. Under any scenario, the intersection meets or exceeds Washington County's operating standards.

FILENAME: \\KITTELSON.COM\F5\H_PORTLAND\PROJFILE\12116 - K-MART TUALATIN REDEVELOPMENT\HEARING\MACKENZIE
TRAFFIC RESPONSE.DOCX

Comment: *Signal timing parameters need to be adjusted, specifically to address the longer travel times for eastbound traffic which must stop behind the rail crossing.*

Response: Detailed signal timing parameters may provide an added level of precision to the operational assessment of the SW Tualatin-Sherwood Road/SW Boones Ferry Road intersection. This level of additional analysis is clearly not warranted given the minimal impacts that the proposed Nyberg Rivers project is forecast to have. The project is projected to add approximately 20 vehicles to this eastbound through movement during the weekday p.m. peak hour which is less than one vehicle every signal cycle. Overall the project will result in less than a 2 percent increase in traffic at this intersection. This impact by any traffic engineering standard can be considered insignificant and is well below an impact level that would be perceived by anyone who regularly travels through the intersection.

Comment: *Trucks have been observed slowing at the rail crossing, which will impact available capacity. This should be accounted for in the analysis.*

Response: As noted previously, we believe this added level of precision in the analysis is unwarranted given the project's insignificant impact to the SW Tualatin-Sherwood Road/SW Boones Ferry Road intersection and the fact that the capacity impact of trucks is already reflected in the analysis methodology. No evidence has been offered to suggest that the "observed slowing" would result in a greater capacity impact than is already reflected in the analysis methodology.

Comment: *Traffic counts should include those vehicles arriving at the back of a queue, not just those making it through the intersection at peak times (HCM 2010 requires this in congested corridors).*

Response: The traffic count issue described above only applies to situations where demand exceeds capacity over the entire analysis period. There is no evidence to suggest that the demand exceeds capacity over the entire study period for the study intersections on SW Tualatin-Sherwood Road. Occasional cycle failures do occur as is common on high volume arterials similar to SW Tualatin-Sherwood Road. To the extent there is some residual demand from one peak 15 minute interval it will be captured in the next 15 minute interval. The volumes used in the TIA are an adequate representation of the demand for the peak hours that were studied.

Thank you for the opportunity to respond to the Mackenzie comments. Please contact us with any questions you may have.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Mark Vandehey, P.E.

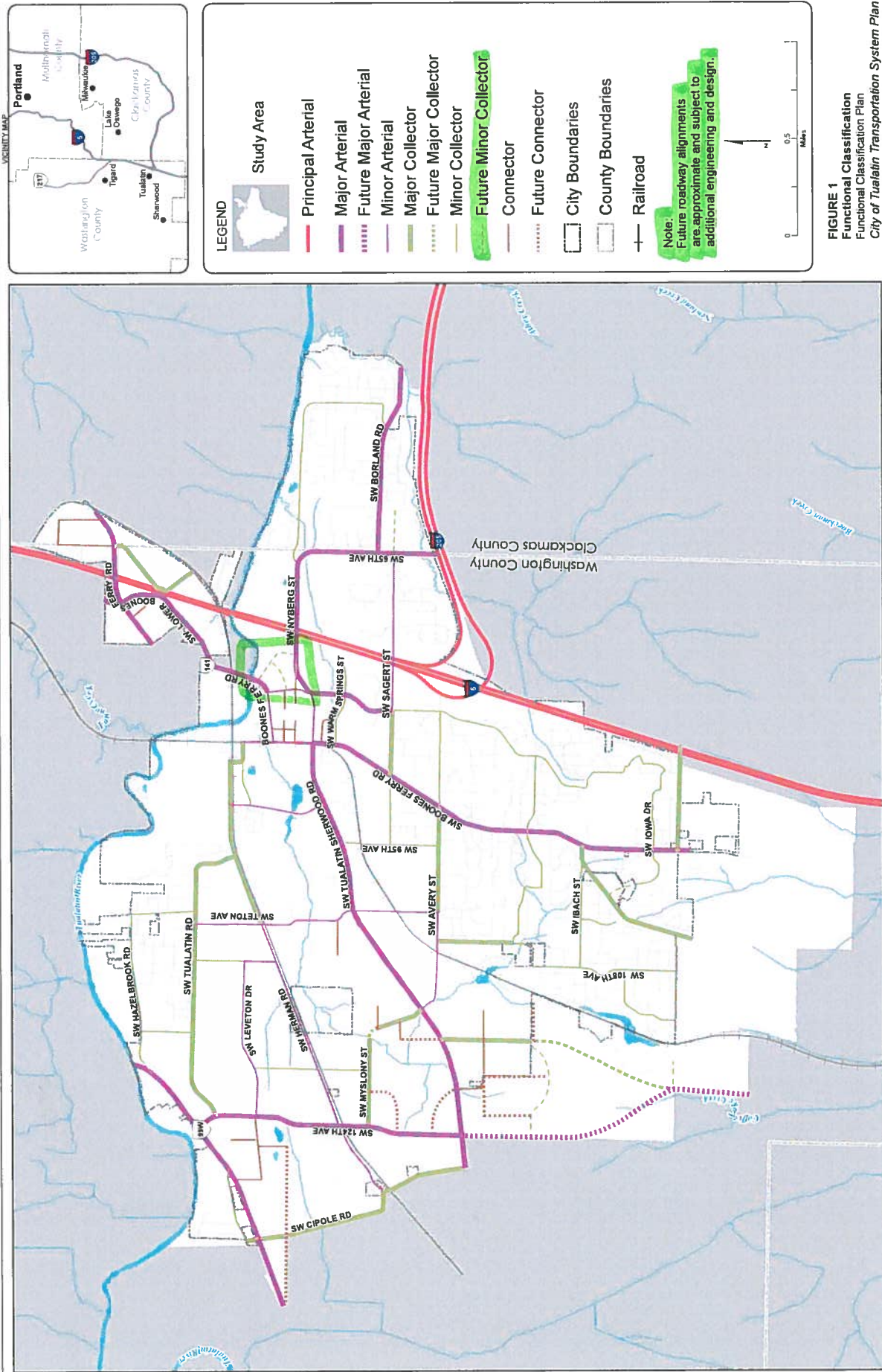


FIGURE 1
 Functional Classification
 Functional Classification Plan
 City of Tualatin Transportation System Plan
CH2M HILL
 Page 13

Major Collectors

The following roadways are reclassified as major collectors or are future major collectors:

- ◆ **SW Grahams Ferry Road** between SW Ibach Street and the southern City limits changed from a minor collector. This change anticipates planned development along SW Graham's Ferry Road both in Tualatin and to the south, recognizing that it is the only route from the neighborhoods to arterial connections and the regional network.
- ◆ **SW Myslony Street Extension** (Future road) to SW 112th Avenue as a future major collector. This is consistent with roadway designations on either side of the future connection.
- ◆ **SW Tualatin Road** between SW 90th Avenue and the curve south at SW Chinook Street changed from a major arterial. This change creates consistency between the segments east and west, which are already major collectors. Originally this was a major arterial because along with SW 90th Avenue, it was to connect to a future Hall Boulevard extension over the river. Since the Hall Boulevard extension was removed from the City's TSP, this roadway was downgraded.
- ◆ **SW Norwood Road** between SW Boones Ferry Road and the eastern City limits changed from a local road. SW Norwood Road is one of the only east-west connections in the south part of the City, and provides a connection over I-5. There are very few local accesses along SW Norwood Road, and the connectivity makes it consistent with a major collector designation.

Minor Collectors

The following roadways are future minor collectors:

- ◆ **New Roads in Urban Renewal Block 2¹** will be classified as minor collectors since they connect two major arterials, SW Boones Ferry Road and SW Nyberg Street.
- ◆ **New Road** east of SW 65th Avenue and SW Borland Road.

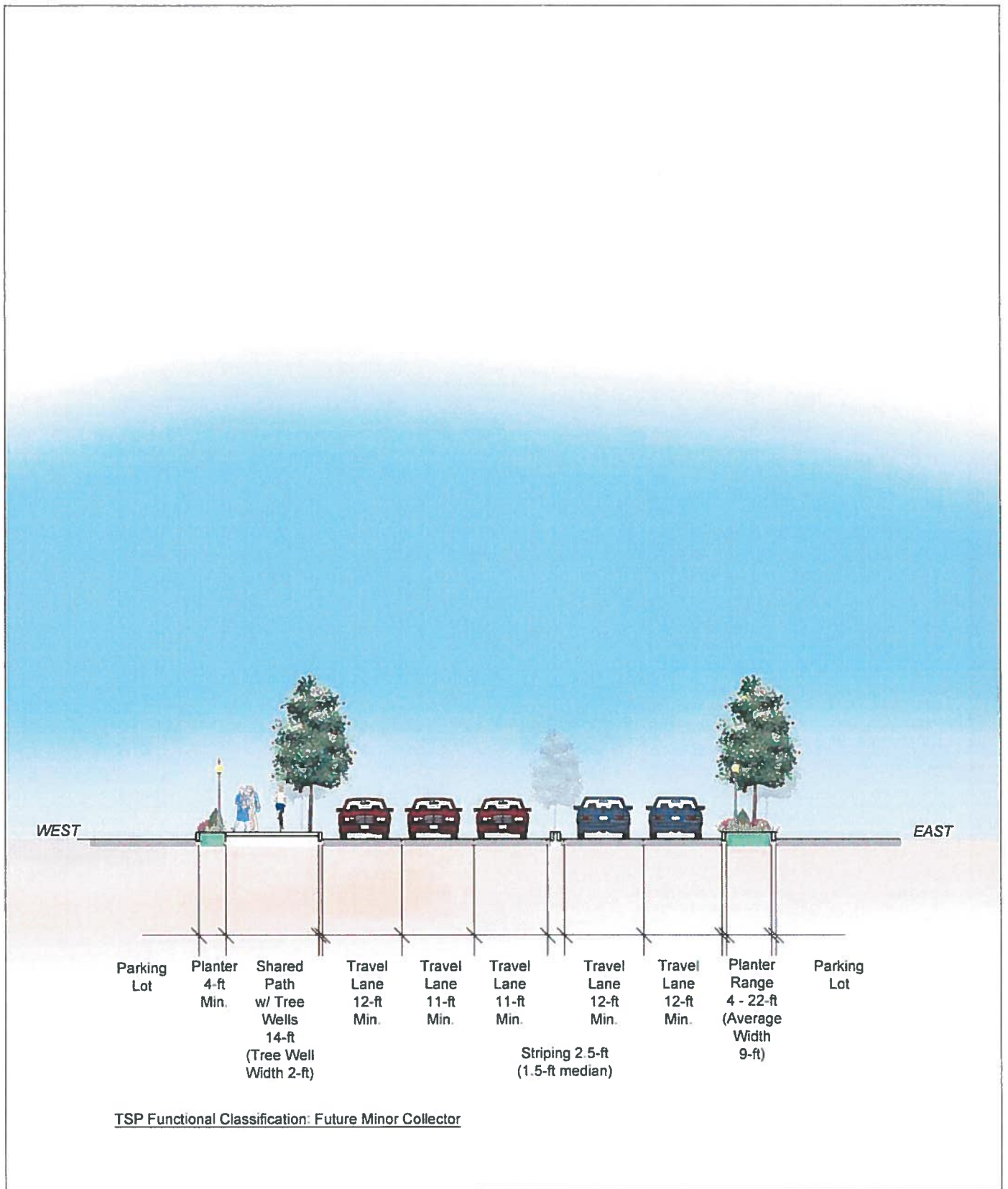
Regional Coordination

Several roadways within the City of Tualatin are owned by Washington County, Clackamas County, or ODOT. Coordination with these regional partners is key to implement a functional roadway network. Many of the County- and State-owned roadways are major and principal arterials respectively, and serve regional traffic needs. The City of Tualatin will continue to work with regional partners to implement projects on County and State-owned roadways in Tualatin. Within the following modal plans, the projects that require regional coordination are called out separately than the projects under the City's sole jurisdiction.

Street Design Standards

Street functional classification guides the design standards including the number of travel lanes, presence of bicycle lanes, the width of sidewalks, and other design elements. Table 3 shows the design standards by functional classification, and Figure 2 has the minimum and preferred street cross sections.

¹ Urban Renewal Block 2 is the site of the former Kmart. It is located north of SW Nyberg Road west of I-5 in the northwest quadrant of the interchange. More information on Urban Renewal in downtown Tualatin is located here: www.tualatinoregon.gov/sites/default/files/fileattachments/economicdevelopment/webpage/12237/curp-curr_oct_2009.pdf



Nyberg Rivers

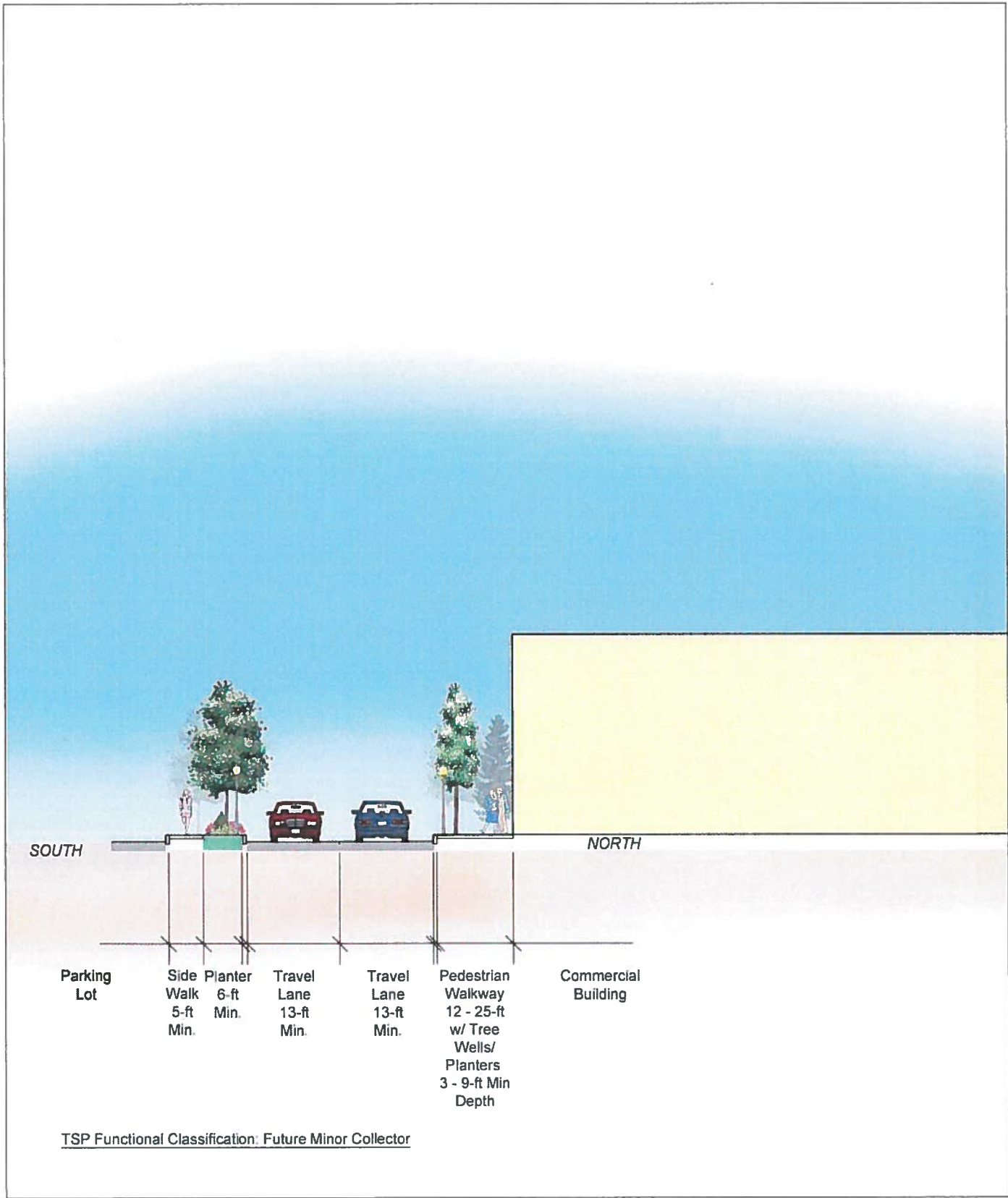
DATE: 07-30-2013

0 10' 20'

A-A- Nyberg Main Entry

TUALATIN, OREGON

SCALE IN FEET



Nyberg Rivers

B-B - Michaels Frontage

DATE: 07-30-2013

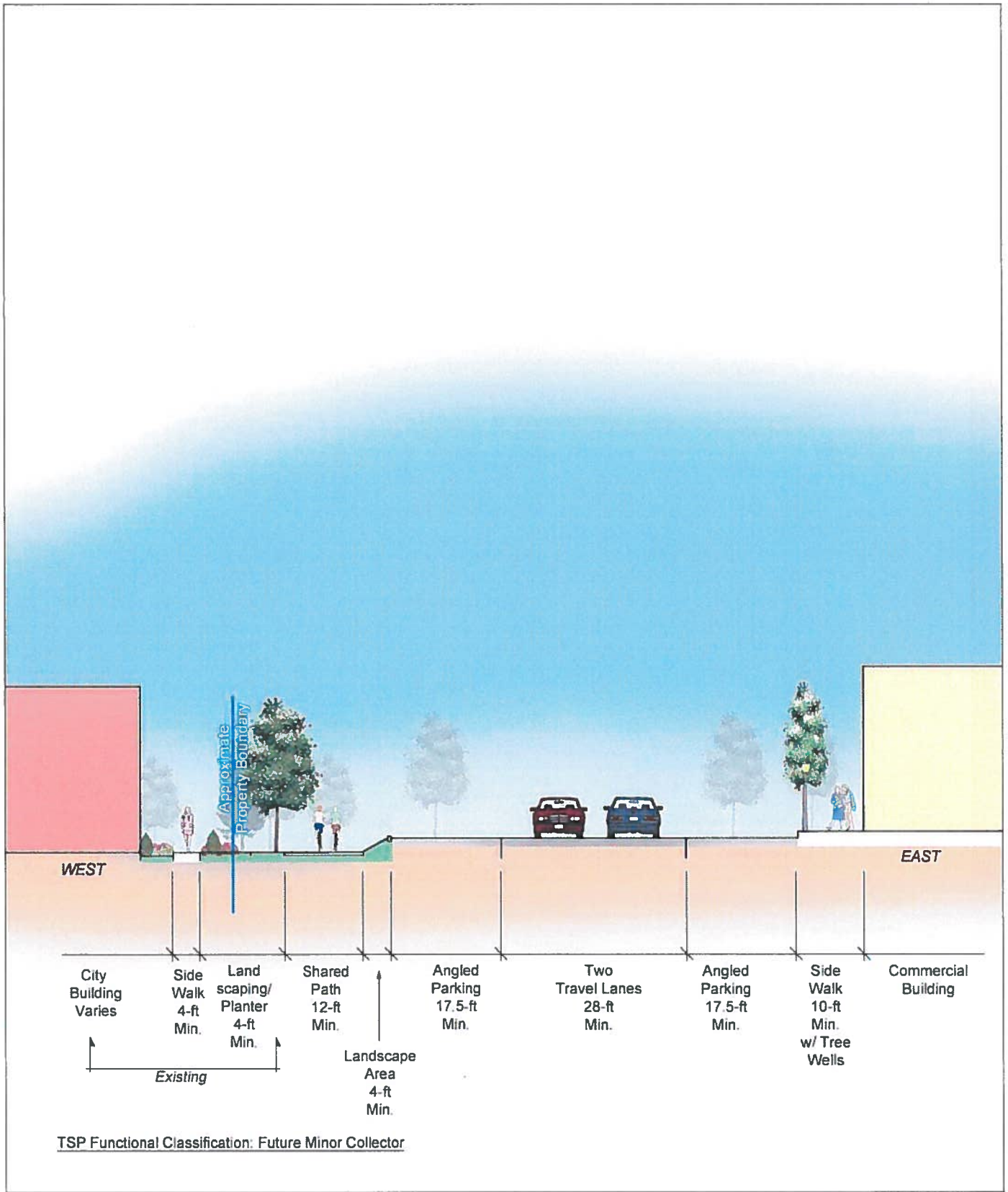
TUALATIN, OREGON



0 10' 20'

SCALE IN FEET

EXHIBIT 5-2



TSP Functional Classification: Future Minor Collector



Nyberg Rivers

DATE: 07-30-2013

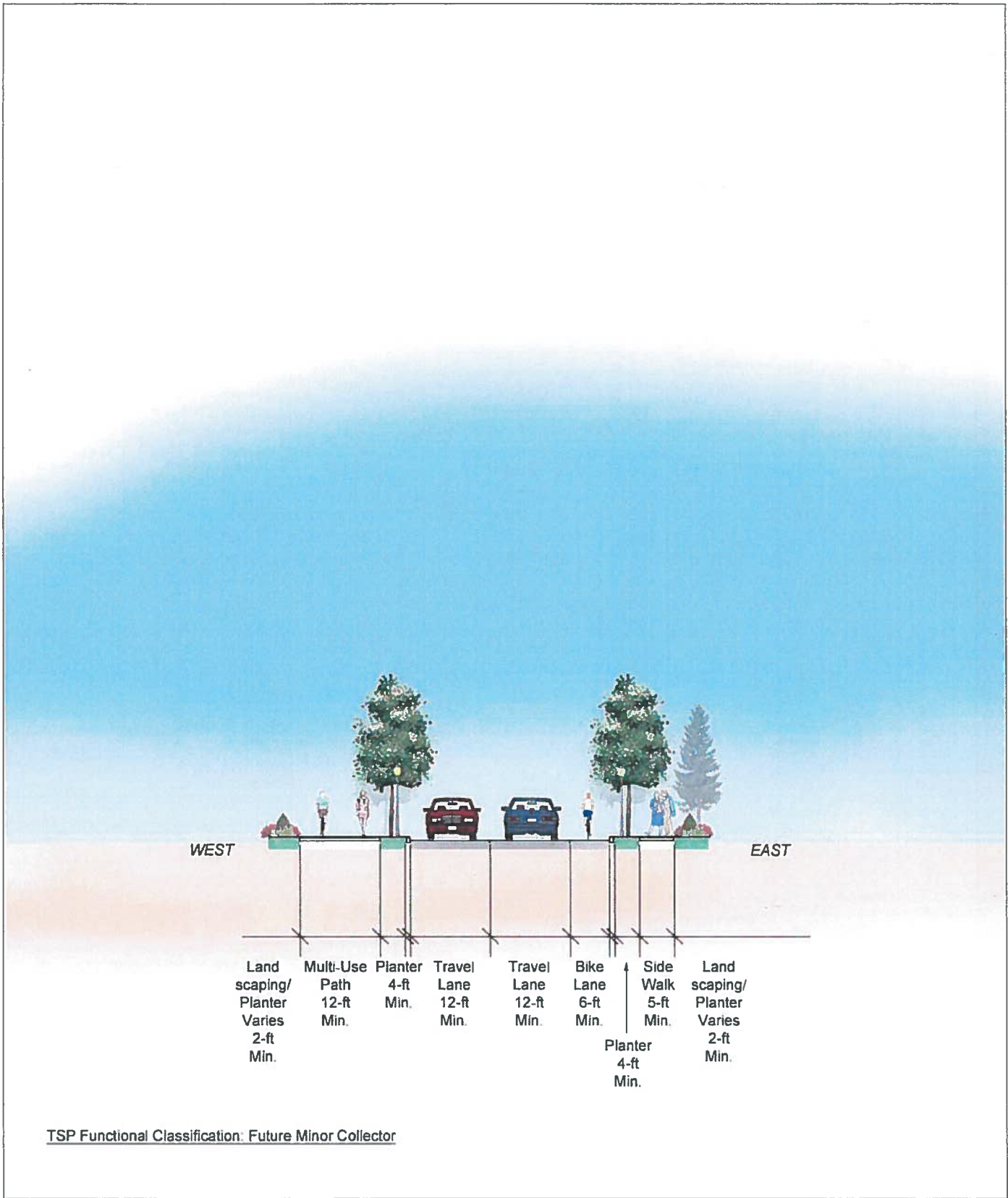
0 10' 20'

C-C - Retail Shop Frontage

TUALATIN, OREGON



SCALE IN FEET



Nyberg Rivers

D-D - Street "A"

DATE: 07-30-2013

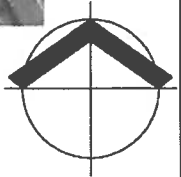
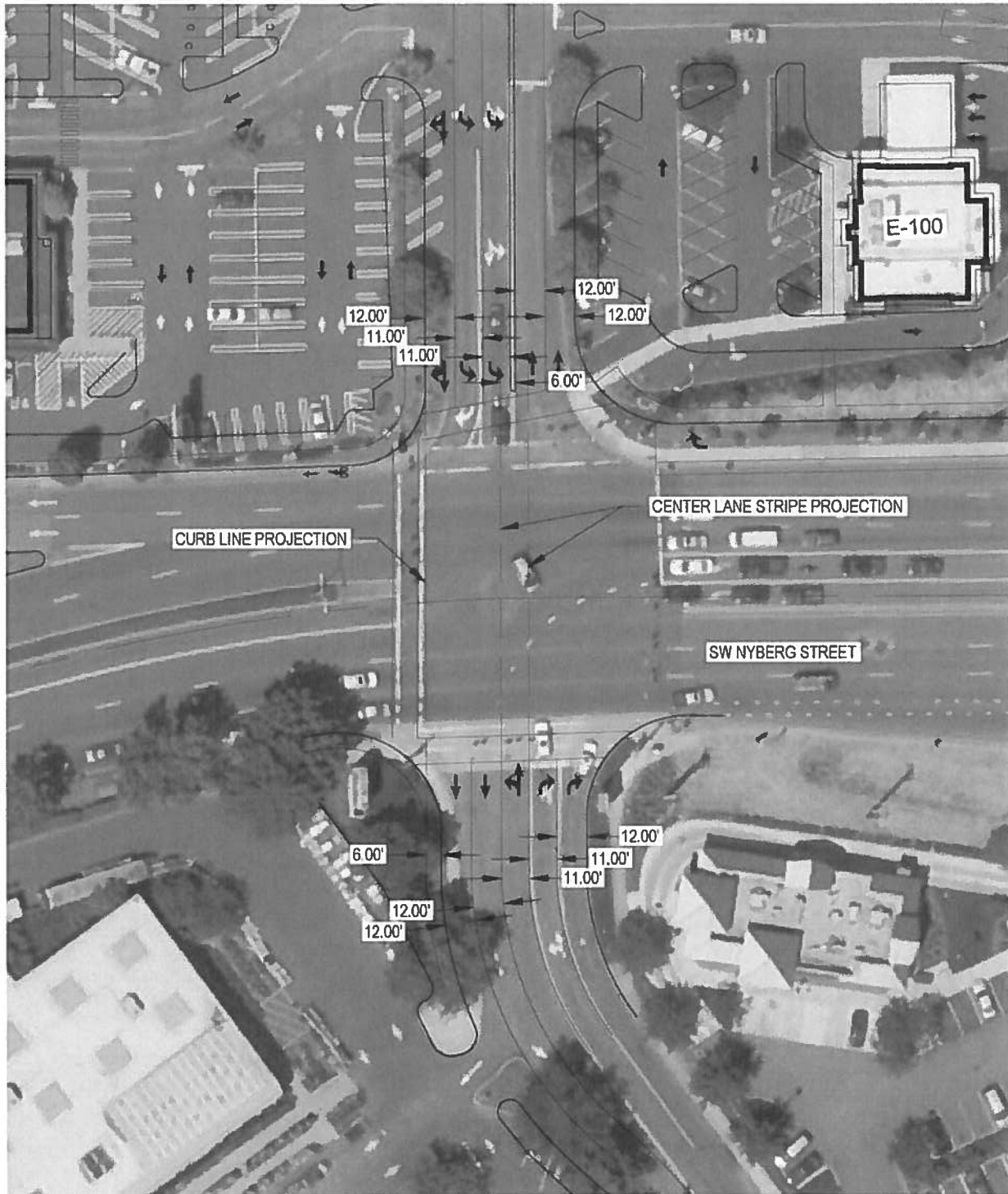
TUALATIN, OREGON



0 10' 20'

SCALE IN FEET

EXHIBIT 5-4

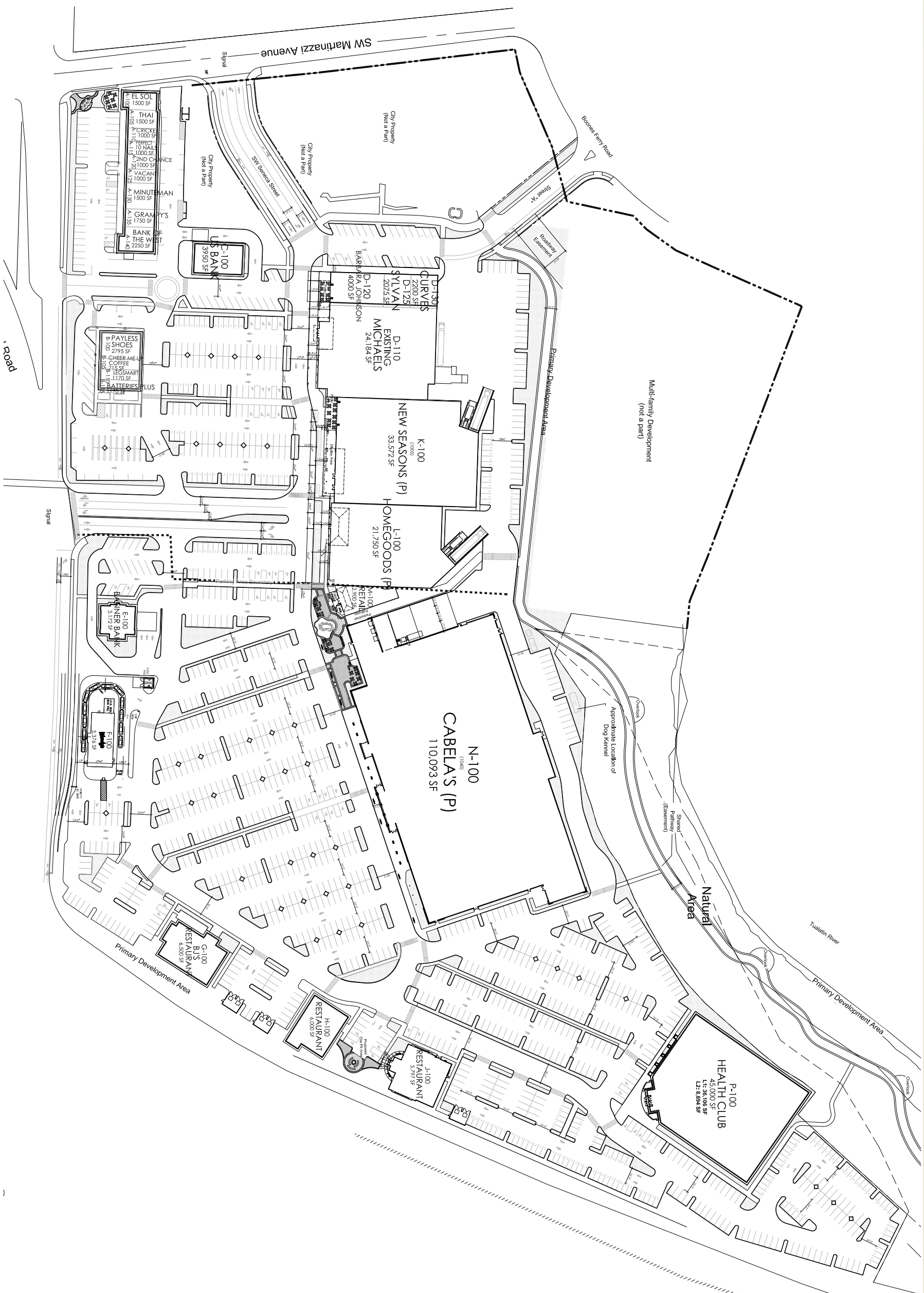


PORTLAND
 5415 SW WESTGATE DR, STE 100, PORTLAND, OR 97221
 TEL: (503) 419 - 2500 FAX: (503) 419 - 2600
 www.cardno.com

MAIN SIGNAL
 NYBERG RIVERS

CENTERCAL
 TUALATIN, OREGON

PROJECT NO. 21198310
 DATE: 04/11/2013
 BY: KDD
 SCALE: 60
 SHEET NO. 2



PROJECT SUMMARY:

SITE AREA	32.12 ACRES
SITE GROSS AREA:	6.00 ACRES
CONSERVATION AREA:	26.12 ACRES
SITE NET AREA:	15% / 3.92 ACRES
REQUIRED LANDSCAPE AREA:	4.15 ACRES
PROPOSED LANDSCAPE AREA:	0.20
FLOOR AREA RATIO:	

WEST TENANTS:	
K-100 RETAIL	33,572 SF
L-100 RETAIL	21,750 SF
BLDG A	12,500 SF
BLDG B	5,850 SF
BLDG C PAD	3,950 SF
BLDG D	32,459 SF
TOTAL:	110,081 SF

EAST TENANTS:	
M-100 RETAIL	2,900 SF
N-100 RETAIL	110,093 SF
PAD E-100	3,172 SF
PAD F	3,376 SF
G-100 BJS RESTAURANT	6,500 SF
H-100 RESTAURANT	6,000 SF
J-100 RESTAURANT	5,797 SF
N-100 HEALTH CLUB	45,000 SF
TOTAL:	182,838 SF
OVERALL TENANTS SF:	292,919 SF

WEST PARKING RATIO/USE	APPROX. PARKING REQ.
TOTAL PROVIDED STALLS:	378 stalls
OVERALL WEST PARKING RATIO:	3.43/1000

EAST PARKING RATIO/USE	APPROX. PARKING REQ.
ANCHOR TENANT: 5/ 1,000sf	551 stalls
REMAINING: 4.5/ 1,000sf	389 stalls
TOTAL PROVIDED STALLS:	940 stalls

ANCHOR TENANT PARKING RATIO:	5/1000
REMAINING PARKING RATIO:	5.35/1000
OVERALL EAST PARKING RATIO:	5.14/1000

OVERALL PROVIDED STALLS:	1,318 stalls
OVERALL PARKING RATIO:	4.5/1000

- Notes:
- (1) Project area includes parcels and adjacent Oregon Department of Transportation Right-of-Way area along Nyberg Road. Total project area assumes acquisition of excess, adjacent right-of-way.
 - (2) Project area does NOT include the resulting land areas from the new Seneca Street extension and relocation of the City building.

PRELIMINARY SITE PLAN
VERSION: PLP-29C.2



MEMORANDUM



5415 SW Westgate Drive
Suite 100
Portland, Oregon 97221
USA

Phone (503) 419-2500
Fax (503) 419-2600

www.cardno.com

To: City of Tualatin
Planning Department

From: Pat Gaynor, RLA
Sr. Landscape Architect

Date: July 30, 2013

Project: Nyberg Rivers Master Plan
Cardno #: 21198310
Re: Diamond Tree Planting Methodology

This memo has been prepared to detail the proposed Diamond Tree Planting Methodology for the Nyberg Rivers Master Plan Area. This memo has been prepared in response to the City's concerns identified within Staff Report beginning on page 10 under Goal 11 Design Considerations where staff expressed concern regarding the adequacy of the proposed parking lot "diamonds". This concern was echoed by the City Council during the public hearing. This memo demonstrates the proposed diamonds and trees selected are consistent with City requirements for landscaping in parking lots.

The plant materials identified in the Nyberg Rivers Master Plan meet the requirements for commercial development within the City of Tualatin. Parking lot trees fully comply under TDC Section 73.360(7). Please see below for the section criteria and findings. Supporting documentation from the City of Tualatin have been included at the end of this memo for reference.

TDC 73.360(7) Deciduous shade trees shall meet the following criteria:

- (a) Reach a mature height of 30 feet or more;

Response: The trees selected for this project will achieve a height of 30 feet or more at maturity. These include Marshall Ash (to 50'), Armstrong Maple (45'), Urbanite Ash (to 60'), Red Sunset Maple (to 50'), and Thornless Honeylocust (50+).

- (b) Cast moderate to dense shade in summer;

Response: The trees selected for this project are large canopy varieties that will cast moderate to dense shade in the summer. These species include Thornless Honeylocust (to 50'), Marshall Ash (to 50') and Red Sunset Maple (35'+).

- (c) Long lived, i.e., over 60 years;

Response: Urbanite Ash, Marshall Ash, Thornless Honeylocust, Red Sunset Maple and Armstrong Maple can live for 60 years or more.

- (d) Do well in an urban environment:

- (i) Pollution tolerant.
(ii) Tolerant of direct and reflected heat.

Response: Marshall Ash, Urbanite Ash, Red Sunset Maple, Armstrong Maple, and Honeylocust are pollution tolerant and can handle direct and reflective heat for extended periods of time. Armstrong Maple, Red Sunset Maple, Honeylocust and Urbanite Ash are approved City of Tualatin street trees.

- (e) Require little maintenance:
- (i) Mechanically strong.
 - (ii) Insect- and disease-resistant.
 - (iii) Require little pruning.

Response: Marshall Ash, Urbanite Ash, Red Sunset Maple, Armstrong Maple, and Honeylocust are known for mechanically strong branches and crotches, resistance to insects and disease, and will require little pruning to maintain their shape and a healthy canopy. For these reasons, the City of Tualatin has selected them for use as street trees.

- (f) Be resistant to drought conditions;

Response: Marshall Ash, Urbanite Ash, Red Sunset Maple, Armstrong Maple, and Honeylocust are drought tolerant.

- (g) Be barren of fruit production.

Response: Marshall Ash, Urbanite Ash, Red Sunset Maple, Armstrong Maple, and Honeylocust are sterile and will not produce fruit, nuts, or cones in the parking lot area.

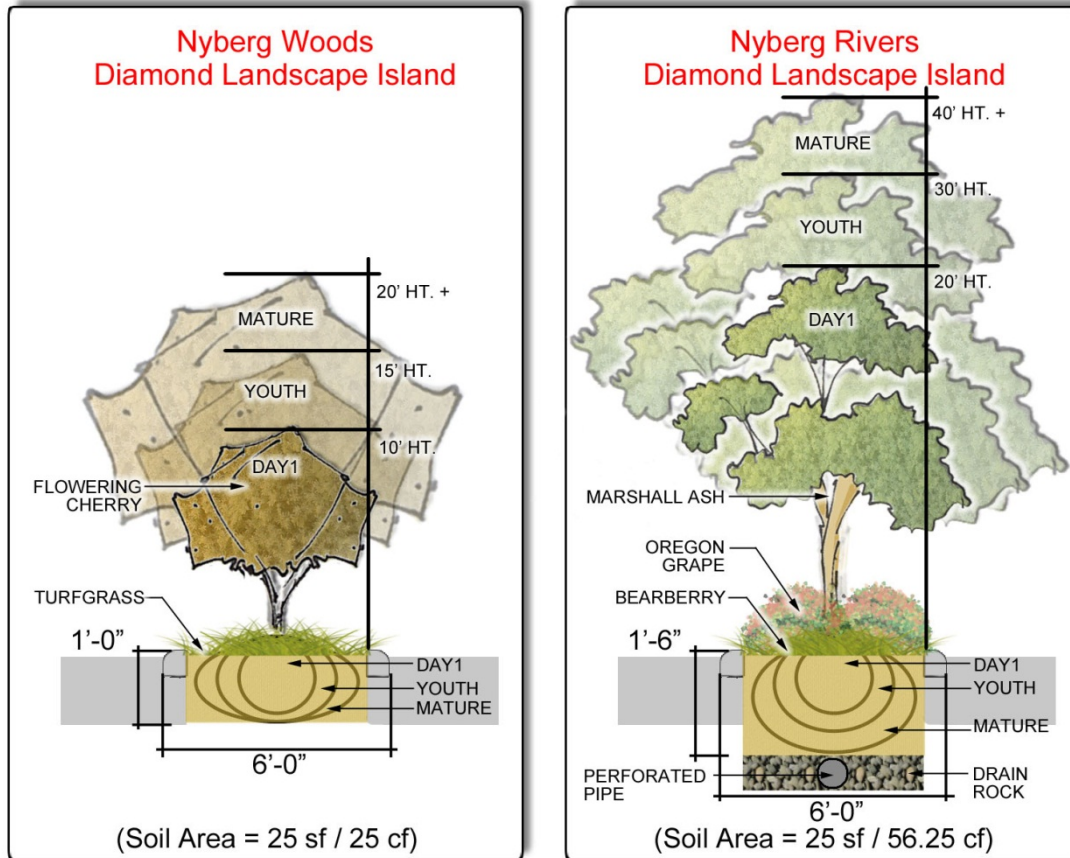
The plant palate for this site spans three different ecologies representative of Oregon. Plants were selected from each ecological zone based on their resilience and tolerance of extremes within their native habitats, their ability to adapt and flourish in the harsh conditions and whether they could survive in the constrained planters of parking lots and urban centers.

Similar area developments such as Nyberg Woods were studied for their plant selection and planter island designs. The major tree species at Nyberg Woods include Plum, Pear, Cherry and Sweetgum. These ornamentals and fruit trees are short lived and will not sufficiently shade the paved portions of the site. The trees installed in 5' diamonds islands and planter strips throughout the parking lot are slower to establish than perimeter trees. The parking lot trees are installed in a relatively tight space and with limited soil volume. Design and tree selection are working against the maturation of this site.

In order to increase the canopy coverage and maturation period, ornamental and columnar plants will be reserved for plaza spaces and building frontages where signage and canopy conflicts do not afford room for canopy trees. Instead, large canopy trees such as Ash and Maple will be utilized based on a proven track record in constrained landscapes here in the Northwest, their acceptance by the city of Tualatin as street trees and past professional experience.

The Nyberg Rivers Master Plan illustrates a similar approach to landscape in the parking lot's diamond planters, with some major improvements over the design at Nyberg Woods. The City of Tualatin requires under TDC Section 73.360(1) that a landscape planter island area shall be 'a minimum of 25 square feet'...'shall be protected by curbs'...'dispersed throughout the parking area'...'and planted with a tree that meets the parking lot shade tree requirements' outlined in 73.360(7) above. Twenty-five square feet plus the 6" curb equals a planter well with an outside

dimension of 6'x6'. No soil depth is required under the code. The planter diamonds at Nyberg Rivers will meet the required inside dimensions of 5'x5' with a design depth of 18". This area measures 25 sf with a volume of 37.5cf. An additional gravel storage layer below the soil will measure 5'x5'x9", adding 18.75cf. This pipe network will be connected to the parking lot storm system to improve planter drainage. The total volume of soil and drainage system for the root zone of each tree in the improved planter is 56.25cf.



All new plants will be serviced by a permanent irrigation system that is tied to an onsite weather sensor. Water will be applied as needed to maintain healthy soil moisture levels and the program runtimes can be seasonally adjusted to guard against high temperatures and lack of summer rains.

The perforated pipe installed at the bottom of each planter pit within the gravel storage layer will improve soil drainage and provide additional room for deeper root growth. Shallow surface rooting and heaving pavement will not be a lingering concern, and the tendency for 'bathtubs' during the winter months will be eliminated. The improved design ensures that trees do not sit in stagnant soils and have ample room to anchor and establish themselves.

Conclusion:

The additional soil volume and drainage systems, coupled with appropriate plant selection will ensure that the trees will thrive for the required length of time and reach a mature form consistent with the City of Tualatin design standards.

City of Tualatin
Stree Tree List



American Yellowwood

2 No 30-50 feet Small, fragrant, white, in pendulous clusters.



Amur Maackia

2 Yes 25 feet 20 feet White clusters



Amur Maple

2 Yes 20 feet 20 feet No flowers



Armstrong Maple

1 No 45 ft 15 ft No flowers



Autumn Applause Ash

1 No 40-50 ft Small, fragrant, white, in pendulous clusters.



Capital Flowering Pear

1 No 35-45 feet White, blooms in early spring



Crimson King Maple

2 No Maroon-yellow



Crimson Sentry Maple

2 Yes 25 feet 15 feet No flowers



Eastern Redbud

1 No 20-30 ft Small (13 mm) rosy-pink flowers in spring.
2



European Hornbeam 1
2 Yes 35 25 No flowers

Frontier Elm 2 No 40 feet No flowers



Ginkgo 2 No 50 feet No flowers

Globe Sugar Maple 2 No 15 No flowers



Golden Desert Ash 2 Yes 20 feet 18 feet No flowers



Golden Raintree 2 No 20-35 feet 10-20 feet Small yellow clusters/Brown pods



Greenspire Littleleaf Linden 2 No 60-70 feet Yellow with a pleasant fragrance



Ivory Japanese Tree Lilac 2 Yes 20 feet 15 feet Creamy White



Leprechaun™ Ash 1
2 No 20 Small, fragrant, white, in pendulous clusters.



Persian Parrotia 1
2 No 20-50 ft Flowers without petals (apetalous), have showy red stamens, appear before leaves.



Purple Beech

1 No 30-50
2 feet

Small, fragrant, white, in pendulous clusters.



Raywood Ash

2 Yes 50-60
feet



Red Oak

2 No 60-75
feet



Red Sunset Maple

2 No 45



**Scanlon/Bowhall
Maple**

1 No 40 15

No flowers



Scarlet Oak

2 No 70-80
feet

No flowers

-
- 1 of 2
- »



**Shademaster Honey
Locust**

1 No 70 feet

Flowers short stalked, greenish-white, in narrow clusters (racemes) 5-7 cm long.



**Skyrocket English
Oak**

1 No 40-15
2 feet

No flowers



Tricolor Beech

2 No

No flowers



Trident Maple

2 Yes 20 feet 20 feet

No flowers



Urbanite Ash

2 No 50 feet

No flowers



Zelkova

1 No 45 ft 20 ft

No flowers

- <<
- 2 of 2

MEMORANDUM



Shaping the Future

To: City of Tualatin
Planning Department

From: Michael Cerbone, AICP
Planning Manager

Date: July 30, 2013

Project: Nyberg Rivers Master Plan
Re: Tree Removal Plan

5415 SW Westgate Drive
Suite 100
Portland, Oregon 97221
USA

Phone (503) 419-2500
Fax (503) 419-2600

www.cardnowrg.com

This memo was prepared in response to the request by the City Council at the Hearing on July 22nd, 2013 for a tree removal plan for the Nyberg Rivers Master Plan. The Applicant has prepared this memo and accompanying exhibits to visually depict the trees proposed for removal with the development of the Nyberg Rivers Master Plan. The Applicant is specifically requesting the ability to remove the trees shown in attached Exhibit C1.0 and C1.1 as part of the Master Plan review process.

The Nyberg Rivers Master Plan area requires approval of a master plan prior to development of the site. Specific guidance for what constitutes a "master plan" is provided for within the City of Tualatin *Central Urban Renewal Plan - October 2009*:

"Prior to approval of applications for development projects within Blocks 1, 2, 3, 4, 5, 13, 25, 26, 27, 31, 32, and 33, applicants will be required to submit and gain City approval of a master plan governing development within the Block(s). Such master plan shall contain sufficient information, as determined by the City, to ensure that development meets the objectives of the Plan. Master plans may include, but are not limited to, treatment of such issues as access, transportation, sewer, water, storm drainage, internal circulation, building location, building design and materials, parking, landscaping and pedestrian facilities.

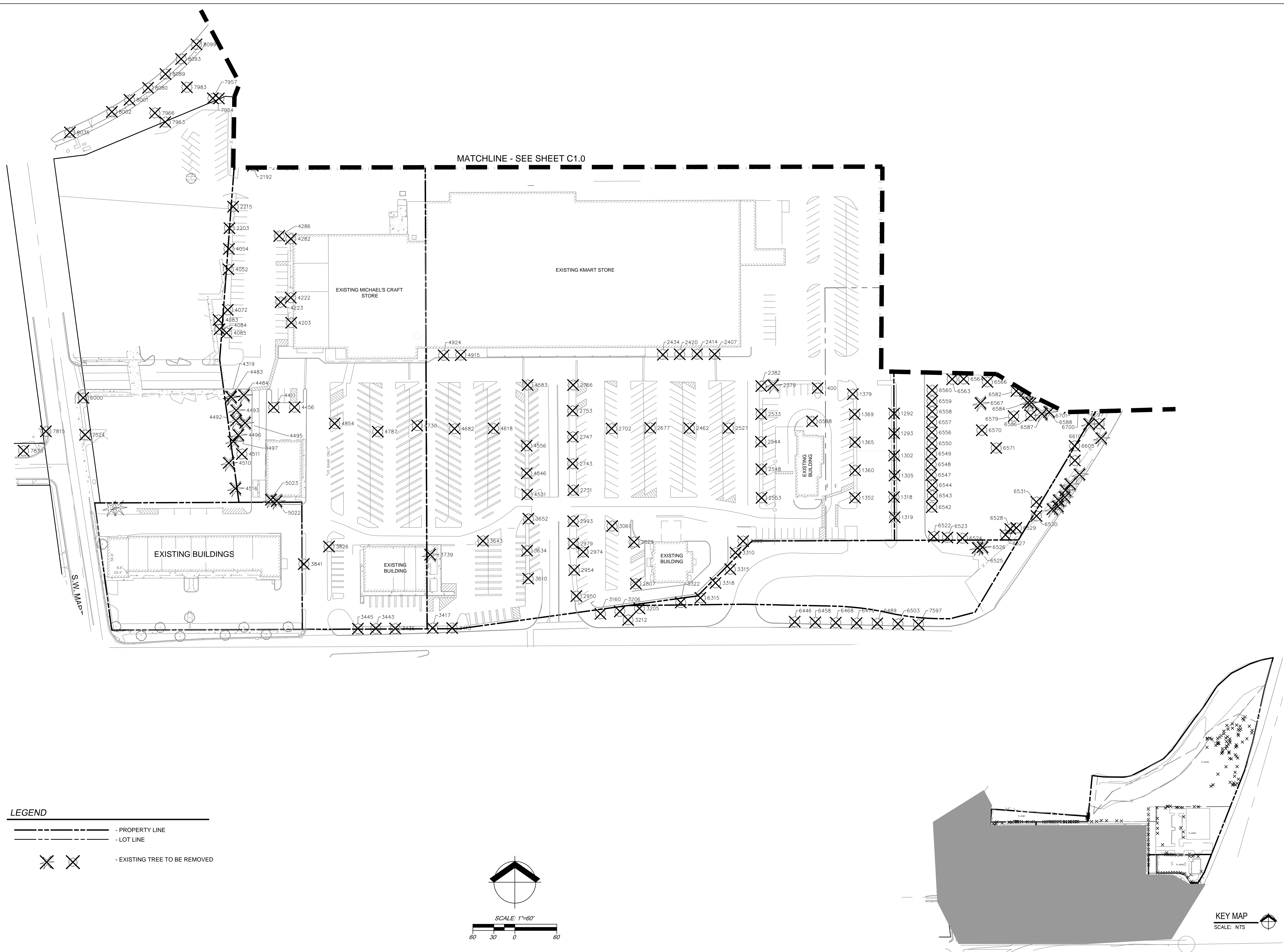
Master plans for Blocks 1, 2, 3, 4, 5, 13, 25, 26, 27, 31, 32, 33, as well as subsequent modifications to those plans, must be approved by the City Council at a public hearing. The public hearing shall be called and conducted in the manner provided for in Section 1.031 of the Tualatin Development Code. In approving a master plan, the City Council may attach conditions that it finds necessary to achieve the objectives of the Urban Renewal Plan."

Response: Within the Central Urban Renewal Master Plan the City has established requirements for master planning the subject property which includes the review and approval of landscaping, parking and building location. The City has requested an exhibit detailing the proposed removal of trees from the subject property which is included as an attachment to this memo as Exhibit C1.0 and C1.1. Pursuant to the master plan process established by the City the Applicant requests approval to remove those trees identified on the attached exhibit in order to accommodate the proposed master plan and proposed development depicted on the site plan.

TREE REMOVAL EXHIBIT
NYBERG RIVERS
CENTERCAL PROPERTIES, LLC
TUALATIN, OREGON

#	DATE	DESCRIPTION

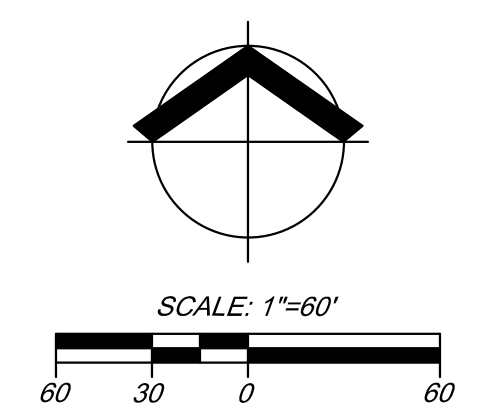
DATE	7/18/2013
DRAWN	KDD/MJZ
DESIGNED	KDD/MJZ
CHECKED	JRS
PROJECT #	21198310
SHEET TITLE	
TREE REMOVAL EXHIBIT	
SHEET NUMBER	
C1.1	
LAND USE #	



LEGEND

--- PROPERTY LINE
- - - LOT LINE

X X - EXISTING TREE TO BE REMOVED





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Aquilla Hurd-Ravich, Planning Manager
Alice Cannon Rouyer, Assistant City Manager

DATE: 08/07/2013

SUBJECT: Consideration of a Conditional Use Permit for the Nyberg Rivers Development to Allow Retail Uses in a Commercial Office (CO) Planning District and Outside Storage and Sales in a Central Commercial (CC) Planning District at 7055-7463 SW Nyberg Street (2S124A 2700--2S124A2100 and 2S124B2507) (CUP-13-04)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is consideration of a conditional use permit for the Nyberg Rivers Shopping Center to allow Retail Uses in a Commercial Office (CO) Planning District at 7055-7433 SW Nyberg Street (2S124A 2700) and Outside Storage and Sales in the Central Commercial (CC) Planning District at 7437-7463 SW Nyberg (2S124A2100 and 2S124B2507)

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution consistent with City Council's recommendation on Conditional Use Permit 13-04.

EXECUTIVE SUMMARY:

This matter is a quasi-judicial public hearing for a Conditional Use Permit Request. This Conditional Use Permit request is contingent upon a successful approval of the Nyberg Rivers Master Plan. Council opened a public hearing to review that application on July 22, 2013 but the hearing did not conclude and was continued for further discussion to tonight August 7, 2013. **The first part of the request is for a conditional use permit to allow retail use in the 24,000 sq. ft. northern portion of Building 1040 that is located within the CO Planning District and CURD Block 1.** Within the Central Urban Renewal District (CURD) Block 1 and the Commercial Office (CO) Planning District, uses permitted in the Central Commercial (CC) Planning District are listed as a conditional use, (TDC) 50.030(2). The CC Planning District allows sporting good stores, various retail, professional and service uses as permitted, TDC 53.020.

The second part of the request is for a conditional use permit to allow outdoor storage and sale of merchandise such as recreational equipment and sports outfitting outside of

Building 1040 in the Central Commercial Planning District. "Outside storage or sales" is a conditional use in the Central Commercial (CC) Planning District" TDC 53.050(5).

The subject site for the two requested conditional uses is associated with Building 1040 in the proposed Nyberg Rivers Shopping Center (Attachment 203, Exhibit I). The proposed 110,000 sq. ft. Building 1040 is shown on:

- Parcel 2S124A 2700 in the CO Planning District [CUP Request 50.030(2)] Central Urban Renewal District Block 1, and;
- Parcels 2S124B 2100 and 2S124A 2507 in the CC Planning District [CUP Request 53.050(5)] Central Urban Renewal District Block 2.

Site Description

The Nyberg Rivers site is at the northwest corner of the I-5 Freeway Exit 289/Nyberg interchange, has extensive frontage adjoining the I-5 Freeway property and includes Tualatin River Greenway frontage. The site adjoins a residential development to the north (Heron's Landing Apartments) and the City of Tualatin Library/City Hall Campus to the west (Attachment 201 -Vicinity Map).

CenterCal Properties, LLC, owners of the Bridgeport Village and Nyberg Woods retail centers, submitted a Master Plan application (MP-13-01) and Conditional Use Permit (CUP-13-04) for the "Nyberg Rivers" commercial center project proposal to redevelop the former Kmart site and adjacent properties. CenterCal holds a 75 year lease on former Kmart/Mercury Development shopping center properties (including subject Parcels 2S124A 2507 and 2S124B 2100) as well as lease or property interest in the adjoining undeveloped subject Parcel 2S124A 2700 and on Parcels 2S124A 2508 and 2502 (McBale). The proposed Nyberg Rivers project will encompass a net development area of approximately 26 acres (Attachment 202- Development Plan graphic). The Master Plan MP-13-01 is subject to Council consideration in a public hearing scheduled for July 22, 2013 and continued to August 7, 2013.

Summary of Proposals

The Nyberg Rivers Master Plan includes demolition of three existing buildings (including the former Kmart building, the Wendy's Restaurant and the Jiggles club), construction of seven (7) new buildings (including subject building 1040), access and public facilities improvements, parking, pedestrian, bicycle, and landscaping improvements. Five existing buildings including the Michael's store building, the US Bank building, Banner Bank building and the multi-tenant Buildings A and B will remain on the shopping center properties.

The tenant of the proposed Building 1040 will be an outdoor sporting goods retailer. The location of the approximately 110,000 sq. ft. building is in the central part of the Nyberg Rivers development and will be in the CC Planning District on the west (CURD Block 2) with an approximately 24,000 square foot portion extending into the CO Planning District on the east (CURD Block 1)(Attachment 203-Exhibit I CUP Site Plan). The west side of Building 1040 is across a proposed public plaza and publicly accessible shared pathway from retail and restaurant uses in tenant Building 1030, 1010 and 1005. To the east and north, Building 1040 adjoins drive aisles, parking areas and a proposed Building N-100 (proposed fitness center). North of subject site is the proposed Natural Area along the Tualatin River. The entrance to Building 1040 is on the south elevation that is oriented to a parking area that adjoins Nyberg Rivers tenant pad buildings adjoining the SW Nyberg Street frontage and the main access to the center. Commercial Uses in the CO Planning District. A "sporting goods store" is a permitted

use in the Central Commercial (CC) Planning District as per TDC 53.020(45). The proposed Building 1040 tenant is a sporting goods store and a permitted use in the portion of the building within the CC Planning District. Attachment 203, Exhibit I shows the portion of Building 1040 located within the CO Planning District. The sporting goods store use that is in the approximately 24,000 sq ft. portion of Building 1040 within the Commercial Office (CO) Planning District and CURD Block 1 is allowed as a conditional use as per TDC 50.030(2).

Outside Storage or Sales. The application states: "The outdoor storage and sales area is illustrated in the attached Nyberg Rivers Conditional Use Exhibit I, dated 6/13/2013 (Attachment 203). This area is entirely within the CC District and is not located in whole or in part in the CO District. The outdoor storage and sales area is accessory to the use it is attached to, Cabela's, and is not dedicated to any other use on the site. The size of this area is 6,993 square feet and the merchandise sold in this area is the merchandise that will be sold in the primary use. This merchandise is recreational equipment and sports outfitting." Staff recommends a condition of approval prohibiting sales of recreational equipment and sports outfitting in the area identified as public gathering space, multi-function open plaza and plaza seating with fire pit as identified on Exhibit Q1 in Attachment 203. The proposed outside storage and sales use is adjacent to the south (southeast) elevation of Nyberg Rivers Building 1040 and is within the CC Planning District and CURD Block 2, and is allowed as a conditional use as per TDC 53.050(5). Attachment 203, Exhibit I shows the proposed outside storage and sales area adjacent to Building 1040.

Review Criteria

As of this date, the City Council has not considered a Conditional Use Permit application requesting Central Commercial permitted uses in Central Urban Renewal Plan Block 1 within the Commercial Office Planning District.

The City Council has approved other Conditional Use Permits for outside storage and sales in a CC Planning District. CU-83-04, CU-85-02 and CUP-95-02 approved outside storage and sales activities at the Fred Meyer Store on SW Martinazzi Avenue.

The applicable policies and regulations that apply to the proposed conditional uses in the CO and CC Planning District include: TDC Chapter 6 "Commercial Planning Districts," Sections 6.030 "Objectives"; Chapter 32 "Conditional Uses," Section 32.030 Conditional Uses – Siting Criteria; Chapter 50 Commercial Office Planning District (CO)," Section 50.030 "Central Urban Renewal Plan -Additional Permitted and Conditional Uses." Chapter 53 Central Commercial Planning District (CC)," Section 53.050 "Conditional Uses".

In response to concerns from the applicant, staff reanalyzed the proposal and previously drafted analysis and findings. The applicant was primarily concerned with a condition requiring the provision of 12 feet of clear unobstructed width for walkways or accessways in front of the main entrance to Building 1040. The original intent was to provide a viable, safe and desirable public walkway that served as a connection to the multi-function open plaza on the south west corner of the building. After further review, staff determined that a narrower walkway can still achieve the original intention of the condition. This change is reflected in **Attachment 204 Amended Analysis and Findings** as well as the applicable policies and regulations. Before granting the proposed Conditional Use Permit, the City Council must find that the uses are allowed as a conditional use in the CO and CC Planning Districts and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment 204) examines the application with respect to the criteria for granting a CUP.

Staff recommends four conditions of approval as follows:

1. Recreational equipment, apparel and sports outfitting sales are prohibited in areas identified as public gathering, multi-function open plaza and plaza seating with fire pit in the approved Master Plan Exhibit Q1 Building Frontage landscape plan.
2. Outdoor sales and display of outboard and inboard powered boats, trailers and motorized ATVs are prohibited.
3. The applicant shall operate the use consistent with all application materials submitted to the City on June 24, 2013.
4. The applicant shall comply will all applicable TDC policies and regulations.

OUTCOMES OF DECISION:

Approval of the Conditional Use Permit (CUP) requests will result in the following:

1. Allows Central Commercial (CC) Planning District permitted uses to be located in the portion of the Nyberg Rivers Building 1040 that is within CURD Block 1 and the Commercial Office (CO) Planning District.
2. Allows outside storage and sales on the south side of Nyberg Rivers Building 1040.
3. The recommended Conditions of Approval would restrict outside storage or sales areas from public plaza or public gathering areas identified in the approved Nyberg Rivers Master Plan and prohibit outdoor sales or display of powered boats, trailers and motorized ATVs.

Denial of a CUP request will result in the following:

1. The applicant will not be allowed to conduct retail sales in the CO portion of Nyberg Rivers Building 1040.
2. The applicant will not be allowed to conduct outside storage or sales on the south elevation of Nyberg Rivers Building 1040.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

- Approve the proposed Conditional Use Permit (CUP-13-04) with conditions that the Council deems necessary based on the criteria in Tualatin Development Code 32.030.
- Deny the request for the proposed CUP-13-04 with findings that state which criteria in Tualatin Development Code 32.030 the applicant fails to meet.
- Continue the discussion of the proposed CUP-13-04 and return to the matter at a later date.



Nyberg Rivers Vicinity Map
Attachment 102

Nyberg Rivers Excerpt from Application Materials

SUMMARY OF PROPOSAL

THE MASTER PLAN

The Nyberg Rivers Master Plan area requires approval of a master plan prior to development of the site. Specific guidance for what constitutes a “master plan” is provided for within the City of Tualatin *Central Urban Renewal Plan - October 2009*:

“Prior to approval of applications for development projects within Blocks 1, 2, 3, 4, 5, 13, 25, 26, 27, 31, 32, and 33, applicants will be required to submit and gain City approval of a master plan governing development within the Block(s). Such master plan shall contain sufficient information, as determined by the City, to ensure that development meets the objectives of the Plan. Master plans may include, but are not limited to, treatment of such issues as access, transportation, sewer, water, storm drainage, internal circulation, building location, building design and materials, parking, landscaping and pedestrian facilities.

Master plans for Blocks 1, 2, 3, 4, 5, 13, 25, 26, 27, 31, 32, 33, as well as subsequent modifications to those plans, must be approved by the City Council at a public hearing. The public hearing shall be called and conducted in the manner provided for in Section 1.031 of the Tualatin Development Code. In approving a master plan, the City Council may attach conditions that it finds necessary to achieve the objectives of the Urban Renewal Plan.”

The Central Urban Renewal Plan (heretofore listed as “The Plan”) was originally adopted on January 27, 1975 and has undergone several amendments to reflect the City of Tualatin’s current vision for the overall urban renewal area, as well as specific blocks designated within the subarea. An accompanying report to The Plan outlines the goals and objectives, as well as an outline of the project activities undertaken through The Plan. These project activities are public improvements under the following categories:

- Flood Control—minimizing flood risk within The Plan area
- Roads and Streets—identifying specific streets and interchanges needing infrastructure improvements and capital funding.
- Utilities—improvements needed in sanitary sewer, storm sewer, water supply, and electricity systems. Specific project activities are summarized.
- Parking Facilities—establishment of the Core Area Parking District (CAPD) in 1979, as well as impact fees on new construction to provide for parking lot development within the parking district.
- Pedestrian Facilities—improvement of pedestrian circulation within the URA through the construction of sidewalks, improvements to the triangular park site, and the development of design guidelines for private pedestrian walkways and street furniture.
- Civic Facilities—includes pedestrian oriented facilities, major features of Tualatin Commons (water feature and landmark), site acquisition for police facility, library expansion and participating in design discussion for a community building.

- Transit Facilities—assisting Tri-Met in locating park-and-ride facilities and encouraging private development to integrate transit provisions.

The Plan also outlines land uses within the renewal area, which are governed by the Planning District Standards outlined in the Tualatin Development Code. The Planning District Designations applicable to this master plan application include the Central Commercial (CC), Office Commercial (CO), and High Density Residential (HR) designations. A discussion of permitted uses as well as additional considerations for Blocks 1, 2, 3, 4, and 5 is addressed in Section II of this project narrative.

The Nyberg Rivers Master Plan represents a comprehensive and collaborative effort to create a vibrant center that provides a seamless extension of the Tualatin City Center. The primary commercial tenants will work to attract regional visitors to the City core in a mix of uses; creating vibrant and active City Center. In addition, this project will provide transportation, pedestrian and bicycle amenities and linkages to the regional framework serving residents and visitors to the site. The Nyberg Rivers Master Plan will play an important role in establishing the Tualatin City Center as a regional draw for residents, visitors, businesses, and critical public facilities.

The Nyberg Rivers Master Plan is a multi-tenant shopping center redevelopment project. The Site Plan, attached as Exhibit C, illustrates the build-out plan for the project. The master plan and the Development Plan, attached as Exhibit A, is focused on the areas designated as the Primary Development Area, whereas, the residual areas are designated as Future Development Area(s). The Primary Development Area is controlled by CenterCal Properties, LLC (the developer) and detailed project planning has occurred on these portions of the master plan. The Future Development Area(s) are anticipated to be pursued and completed by others. The Development Plan focuses project statistics and planning on the Primary Development Area. The shopping center has been carefully planned so that development within the Primary Development Area does not preclude and in fact facilitates later development in the Future Development Areas.

The balance of this project narrative addresses each of the applicable approval criteria for a master plan and demonstrates that the proposed development conforms with each criterion.

CONDITIONAL USE PERMIT

There is one conditional use approval requested under this application. As a supplement to the associated Master Plan sections, those uses identified as conditional use are addressed in this narrative. Based on conversation with the City of Tualatin and comments received during the Pre-Application conference held on March 7, 2013, a portion of the proposed retail store located in Building 1040 is subject to CUP review and approval, as the site straddles the CC and CO planning districts. The portion of building in the CC District is permitted outright and the portion of the building located in the CU District, as well as the outdoor storage and sales, is subject to the approval criteria of Chapter 32. Under 50.030(2), uses in the CC District are allowed as conditional uses in the CO District. Further, under 53.050 (5), outdoor storage and sales are permitted in the CC District as a conditional use. Accordingly, the conditional use narrative specifically addresses the [square feet of Building 1040 located in the CO zone and the outdoor storage and sales located in the CC zone. All other uses on the site are permitted uses and do not require a conditional use permit.

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TDC 32: CONDITIONAL USES

PROPOSED USES REQUIRING CONDITIONAL USE REVIEW AND APPROVAL

A conditional use permit application is filed with this master plan application as a request to allow specific uses within the CC and CO planning districts. Based on the permitted and conditional uses summarized in both the Central Urban Renewal Plan and the Tualatin Development Code (Chapters 50 and 53, specifically) the following uses are subject to conditional uses as determined by use type and location within the planning districts:

TDC 50.030 CENTRAL URBAN RENEWAL PLAN – ADDITIONAL PERMITTED USES AND CONDITIONAL USES.

In the Central Urban Renewal District, additional uses are permitted only on the blocks listed below, as shown on [Map 9-3](#).

- (1) Uses permitted in the RH District on Block 1.
- (2) Uses permitted in the CC District as a Conditional Use on Block 1.

SECTION 53.050 CONDITIONAL USES.

The following uses are permitted when authorized in accordance with [TDC Chapter 32](#), and provided retail uses on land designated Employment Area, Corridor or Industrial Area on [Map 9-4](#) shall not be greater than 60,000 square feet of gross floor area per building or business.

- (5) Outside storage or sales.

As detailed above, the following uses would be subject to conditional use review and permitting.

- **Portion of Building 1040**— This building is a sporting goods store with outdoor storage and sales. The portion of the building that is located in the CC district is a permitted use. The portion of the building that is located in the CO district is also permitted but subject to the conditional use criteria of Chapter 32. (See Urban Renewal Plan, Permitted and Conditional Uses for Block1 at page 34-35 and TDC 50.030(2)).
- **Building 1040—Outside Sales:** the proposed sporting goods store requires outdoor sales and storage area. Under TDC 53.050(5), outside storage or sales is subject to CUP review in the CC District. The outdoor storage and sales is located in the CC District.

The following code sections outline the specific provision, followed by a narrative response demonstrating how the applicant proposes to address the specific conditional use criteria.

SECTION 32.010 PURPOSE AND INTENT.

It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics

relative to locational features, design, size, operation, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:

- (1) Allow, on one hand, practical latitude for utilization of land and structures, but at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community and adjacent properties; and
- (2) Provide machinery for periodic re-view of conditional use permits to provide for further conditions to more adequately assure conformity of such uses to the public welfare. [Ord. 743-88, 3/28/88]

Response: Portions of the Nyberg Rivers redevelopment proposal are subject to a conditional use review and decision. The proposed sporting goods store located in Building 1040 is subject to a conditional use for two facets—1) the building overlaps into a portion of the CO district, where permitted CC uses are subject to CUP review and 2) the store requires an option for permanent outdoor sales along the building frontage.

SECTION 32.020 SITING CRITERIA.

The provisions of this chapter are signed to provide siting criteria for the conditional uses specified herein and guidelines for the imposition of additional conditions not specifically provided for herein, to the end that such uses will:

- (1) Be consistent with the intent and purpose of the planning district in which it is proposed to locate such use, meet the requirements of the Tualatin Community Plan with regard to providing benefit to the general welfare of the public, and fill a probable need of the public which can best be met by a conditional use at this time and in this place.
- (2) Comply with the requirements of the planning district within which the conditional use is proposed and in accordance with conditions attached to such use under the authority of this chapter. [Ord. 743-88, 3/28/88]

Response: The proposed sporting goods store located in Building 1040 is an outright permitted use in the CC zone and also a permitted use subject to Chapter 32 in the CO zone within Block 1 of the Urban Renewal Plan. The conditional use elements of this building represents only 21- percent of the overall building mass yet are required to meet the needs of the retailer. Because the majority of the use is permitted outright and a smaller element of the use is specifically contemplated by the Urban Renewal Plan, the intent and purpose of both the CC and CO planning districts will be achieved, while also meeting the requirements of the Tualatin Community Plan. This narrative includes responses to those applicable sections to show compliance with those standards.

SECTION 32.030 CRITERIA FOR REVIEW OF CONDITIONAL USES.

The City Council may allow a conditional use, after a hearing conducted pursuant to [TDC 32.070](#), provided that the applicant provides evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied, and further provided

that the applicant demonstrates that the proposed use also satisfies the following criteria:

(1) The use is listed as a conditional use in the underlying planning district.

Response: The 23,513 SF portion of the 110,000 square foot retail store is located in the CO District. Under 50.030(2), all uses permitted in the CC District are allowed as conditional uses in the CO District. Thus, the portion of the store in the CO District is listed as a conditional use in the underlying zoning district. The outdoor storage and sales are listed as a conditional uses in the CC District under 53.050 (5) in compliance with this criteria.

(2) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

Response: The conditional use is proposed to be developed within an existing retail center. The site is already committed to large format retail with a mix of smaller and medium sized complementary commercial uses. The site is zoned CC and CO and allows and encourages the kinds of uses contemplated here. The Urban Renewal Plan further encourages redevelopment of this site with a denser mix of commercial uses to meet the redevelopment and economic development objectives of that Plan as discussed earlier in this application. The site size and shape allow an efficient layout of the uses with adequate parking and a well-designed landscape plan. Site topography is relatively flat with no steep grades. The location of the site is adjacent to the City's downtown and adjacent the I-5 corridor along Nyberg Street, a corridor already committed to large format retail development and designed to accommodate commercial uses. As detailed above and incorporated herein by reference, the transportation system can safely accommodate the use and the development of the site will include several improvements to public facilities that will improve bicycle, pedestrian and vehicle movements in the area. The Tualatin River runs to the north of the site and will not be negatively impacted. In fact, the site development includes a dedication of a trail easement along the river for future development. Therefore, the characteristics of the site are suitable for the proposed use.

(3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Response: The findings above under the Master Plan and Urban Renewal Plan address the transportation facilities in the area and cite to the TIA completed for the proposed project. The scope of the TIA was first approved by Washington County and the City. The Applicant then conducted the analysis consistent with this scoping agreement. The analysis demonstrates that all study intersections will continue to operate at acceptable levels of service and that the development is timely considering the adequacy of transportation services. This conditional use request pertains to only [square 23,513 SF of the sporting goods store and the outdoor storage and sales. These uses represent a small fraction of the uses identified in the TIA. Because the entire site and its associated density are consistent with the timely delivery of transportation facilities, so too is a small portion of that square footage subject to this conditional use request.

As discussed above, and incorporated herein by reference, the Applicant has proposed to complete the required infrastructure improvements to the water, sanitary sewer and stormwater systems that service the site. The proposed large format retail store is consistent with this requirement.

- (4) **The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.**

Response: The character of the area is defined by its existing and surrounding uses. The site itself is currently developed with a retail center. This application will permit the redevelopment of that center with a well-designed site plan, landscape plan and architectural elevations. New commercial uses will replace old commercial uses. Vacant and undesirable uses will be removed and replaced with a more family-friendly and active center. The Site Plan as proposed reflects the uses allowed in the underlying zoning district and contemplated in the Urban Renewal Plan. The transportation, pedestrian and bicycle network will be improved with this development, not only serving the subject site but contributing to greater circulation options for surrounding properties. In particular, the new loop road through the site will make the new connection between Boones Ferry, Seneca and Nyberg streets and the improvements along Nyberg will facilitate better traffic movements along the perimeter. The surrounding properties are also zoned for like uses. The redevelopment of this site will complement and perhaps encourage future redevelopment on other surrounding parcels as more people are drawn to the downtown core by these economic redevelopment projects. The proposed use will not therefore alter the character of the surrounding area in a way that impairs, precludes or limits. Rather, redevelopment of this underutilized site in the Central Urban Renewal Area will more likely encourage similar redevelopment opportunities consistent with the underlying planning districts.

- (5) **The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use. [Ord. 743-88, 3/28/88]**

Response: All of the objectives and policies of the Tualatin Community Plan are addressed above. The application has demonstrated that the Tualatin Community Plan calls for the development of this site with Central Commercial and Office Commercial uses in the manner proposed here. The Plan calls for redevelopment of this site consistent with the Central Urban Renewal Plan which includes policies for the redevelopment of this site with commercial uses. The transportation elements of the Plan are satisfied by the TIA completed for this site demonstrating that the transportation facilities are adequate to serve the development and the site has been sensitively designed to accommodate future uses on neighboring parcels.

Excerpt from Addendum 1

Nyberg Rivers
Response to City of Tualatin letter dated June 3, 2013
Addendum #1 to Master Plan submitted March 19, 2013

4. *In parallel with the Conditional Use Permit Application (CUP-13-04), Please provide information on the proposed commercial retail uses in the Commercial Office (CO) portion of the property.*

The Nyberg Rivers Conditional Use Exhibit attached as Exhibit I and dated 6/13/2013, is a responsive memorandum from Cardno that clearly articulates the area of the Cabela's building that is located in the CO zone. There are no other commercial retail uses in the CO zone that are conditional uses in that zone. All other uses in the CO zone are uses that are permitted outright in that zone. The area of the outdoor storage and sales comprises 6,993 square feet and the area of the building that is located in the CO zone comprises 23,923 square feet.

5. *The application does not clearly state the location, size and merchandise proposed for the outside sales and display areas. A second conditional use permit may be required to locate outside sales and storage in the Central Commercial (CC) Planning District if such sales are not physically connected to a main building. Outside sales and storage is not an allowed use either outright or conditional in the CO Planning District.*

The outdoor storage and sales area is illustrated in the attached Nyberg Rivers Conditional Use Exhibit, Exhibit I, dated 6/13/2013. This area is entirely within the CC District and is not located in whole or in part in the CO District. The outdoor storage and sales area is accessory to the use it is attached to, Cabela's, and is not dedicated to any other use on the site. The size of this area is 6,993 square feet and the merchandise sold in this area is the merchandise that will be sold in the primary use. This merchandise is recreational equipment and sports outfitting.

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Nyberg Rivers
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C. Encourage the development of existing Central Commercial designated land before-designating other land within the Urban Renewal Area as Central Commercial.

D. Support Central Commercial designated land for development by assisting in the marketing and promotion of Central Tualatin as a place to visit shop and conduct business.

All of the uses proposed for the site are uses that are specifically permitted in the Central Commercial District. Two elements of the Cabela's are conditional uses: (1) the portion of the Cabela's building which overlaps the adjacent CO zone; and (2) the outdoor storage and sales area within the CC zone at the front entrance to the Cabela's. Both of these areas are discussed in the conditional use exhibit attached as Exhibit I and included with this letter.

The City's support of these proposed uses that are permitted in the CC zone, "encourages the development of existing Central Commercial designated land," in compliance with Objective C. The City has acknowledged that each of these retail uses is permitted in the zone and that the

new retail center does not contain any uses not allowed by the zone. Further the Central Urban Renewal Plan also does not prohibit or minimize any of the projected uses. Drive- through facilities are permitted in the CC District as well as restaurants and grocery stores. The applicant acknowledges that restaurants with a drive-through are regulated differently, and appropriately so, in the Central Design District. They are not similarly limited on the subject site which is outside of the Central Design District.

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Nyberg Rivers
Response to City of Tualatin letter dated June 3, 2013
Addendum #1 to Master Plan submitted March 19, 2013

CURD GOAL 4: CIVIC DEVELOPMENT

The CURD Plan identifies the Nyberg Rivers site as part of the Tualatin Downtown. The proposed Master Plan does not clearly show or explain the project’s elements and connections to downtown. Please refine the Master Plan to address how the proposal addresses this issue.

Goal 4 states:

“To promote civic facilities including community gathering spaces and other pedestrian amenities, a community center, library expansion and a City Hall in the Urban Renewal Area, which is supportive of other civic and private uses in the area.”

The applicant has proposed a plaza on site as well as a network of streets and sidewalks that provide community gathering spaces and pedestrian amenities. As shown on Exhibit Q 1 and Q2 attached with this letter, there are several amenities provided to create an enhanced pedestrian experience throughout Nyberg Rivers. Amenities include cove and bench seating, patios, tree grates, sculptures, water features, a pedestrian promenade, and larger sidewalks to promote pedestrian interaction and safe access through the central shopping corridor, as well as linkage to the north/south pathways into and through the parking areas and remainder of the site.

PROJECT SUMMARY

MASTER PLAN AREA:	44.15 ACRES
FUTURE DEVELOPMENT AREAS: (by others)	12.24 ACRES
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PRIMARY DEVELOPMENT AREA:	
GROSS AREA:	31.91 ACRES
NATURAL AREA:	5.33 ACRES
NET AREA:	26.58 ACRES
REQUIRED LANDSCAPE AREA:	15% / 4.78 ACRES
LANDSCAPE AREA PROPOSED:	10.34 ACRES
FLOOR AREA RATIO:	0.265
TOTAL PERMISSIBLE BUILDING AREA:	307,000 SF

BUILDING	AREA
BLDG 1005	33,562 SF
BLDG 1010	21,750 SF
BLDG 1030	2,900 SF
BLDG 1040	110,093 SF
BLDG A	12,500 SF
BLDG B	5,850 SF
BLDG C	3,950 SF
BLDG D	32,459 SF
BLDG E	3,285 SF
BLDG F	5,500 SF
BLDG G-100	6,500 SF
BLDG H-100	4,526 SF
BLDG J-100	5,797 SF
BLDG N-100	45,000 SF
TOTAL:	293,672 SF

ADDITIONAL POTENTIAL BUILDING AREA: 13,328 SF

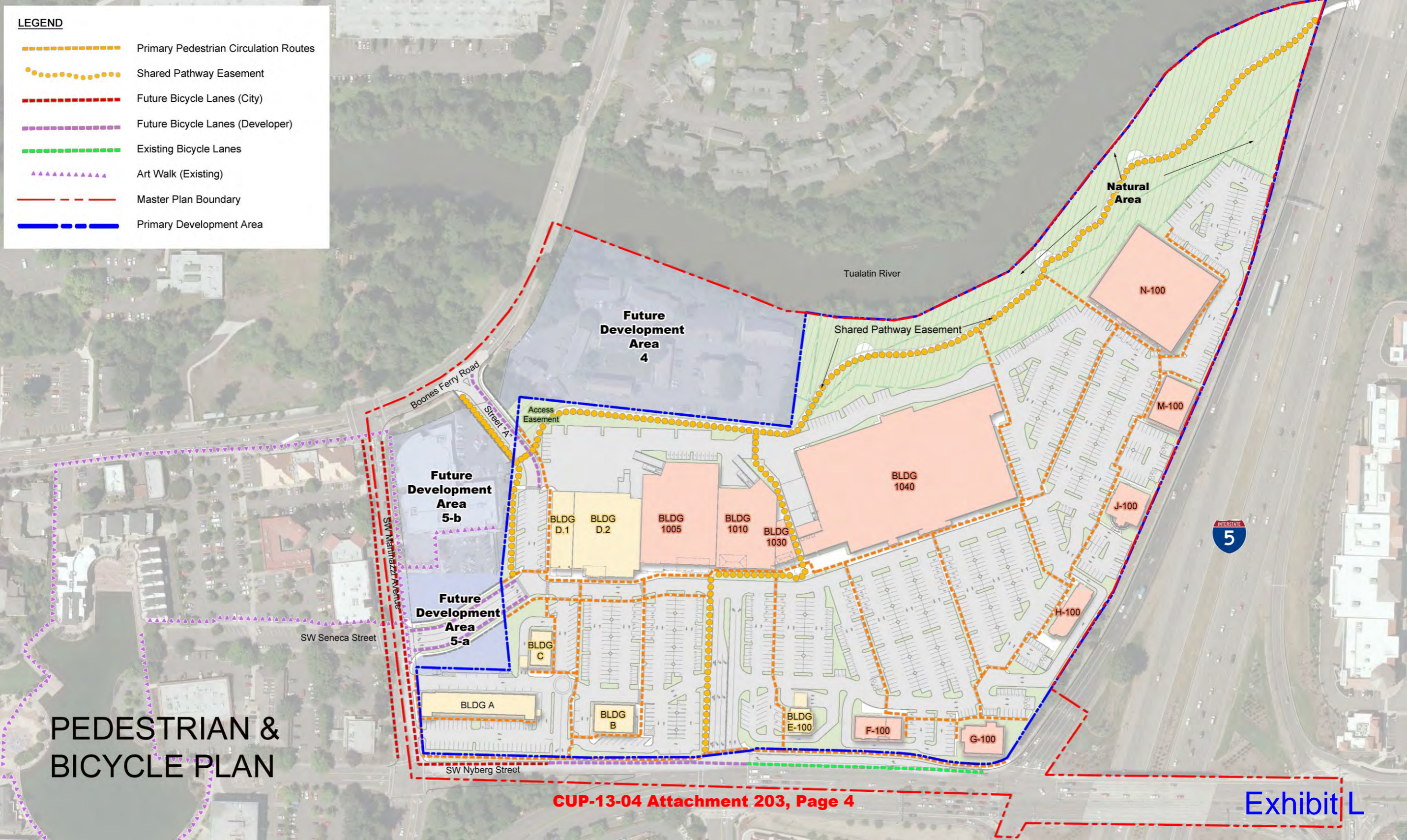
TOTAL PROVIDED STALLS: 1,320 stalls
 PARKING RATIO: 4.49/1,000 SF
 PARKING STALL DIMENSIONS: STANDARD 9-ft X 19-ft, COMPACT 7.7-ft X 16-ft

- Notes:
- "Site Area" includes only the areas of Tualatin Urban Renewal Blocks that are subject of this development proposal. Other phases of the Master Plan may be developed by others.
 - Required Landscaping based on Gross Site Area
 - Building areas listed in table may differ from actual footprint size to allow for interior walls and architectural elements.
 - For design detail of the handscape and landscaping along shops of buildings D.2, 1005, 1010, 1030 and 1040, reference Exhibit Q-1 Building Frontage Landscape Plan.

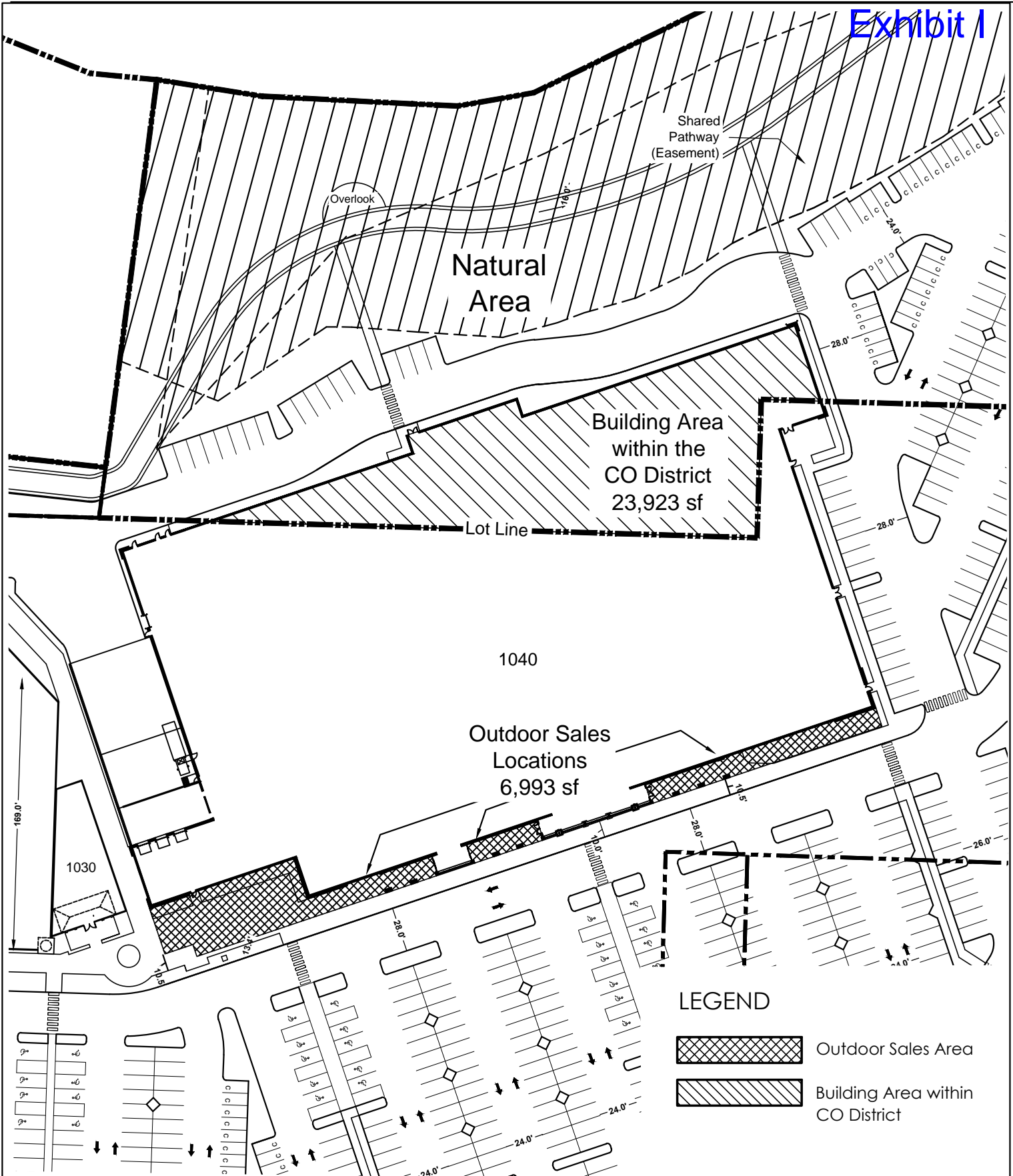


LEGEND

- Primary Pedestrian Circulation Routes
- Shared Pathway Easement
- Future Bicycle Lanes (City)
- Future Bicycle Lanes (Developer)
- Existing Bicycle Lanes
- Art Walk (Existing)
- Master Plan Boundary
- Primary Development Area



PEDESTRIAN & BICYCLE PLAN



PORTLAND
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Nyberg Rivers
 Conditional Use Exhibit

CenterCal

PROJECT NO. 21198310
 DATE: 06/13/2013
 BY: RG
 SCALE: 1" = 80'
 SHEET NO. —

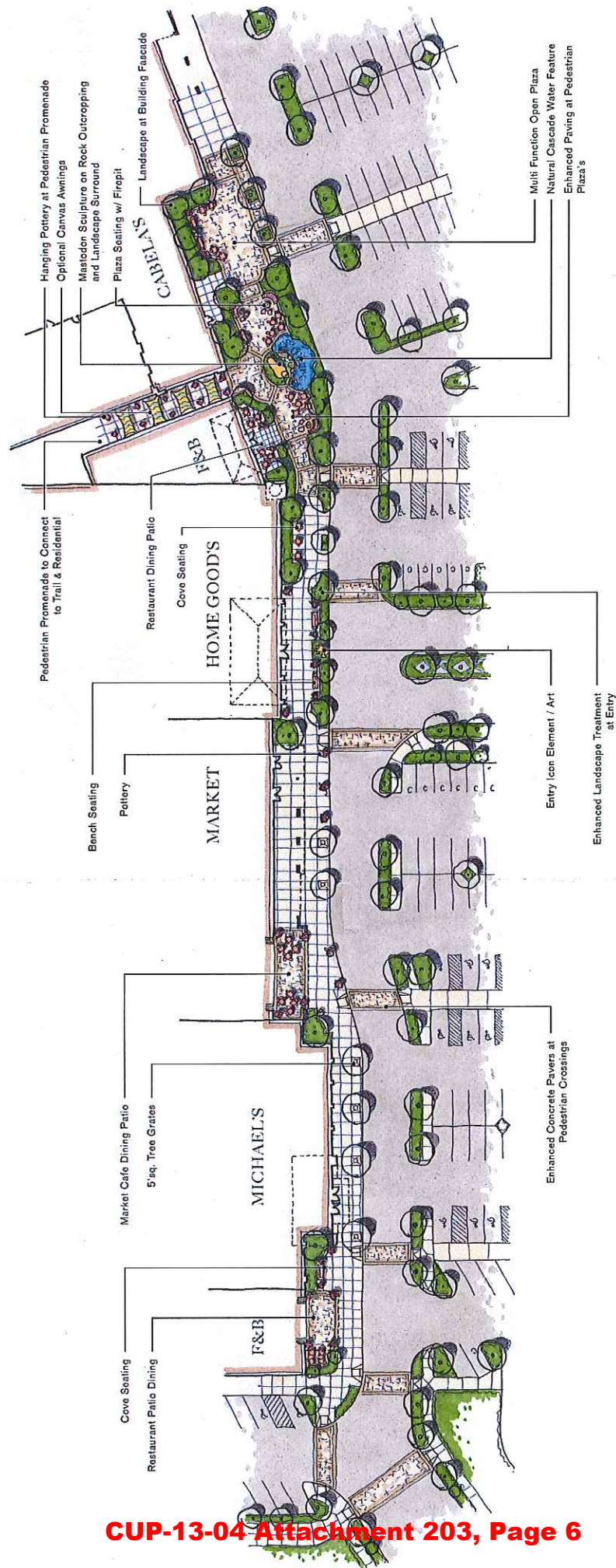


EXHIBIT Q. 1-BUILDING FRONTAGE LANDSCAPE PLAN

June 26, 2013 | scale 1"=20'-0"



CENTRAL PROPERTIES LLC
 LANDSCAPE INTERNATIONAL inc.

Tualatin, Oregon
NYBERG RIVERS

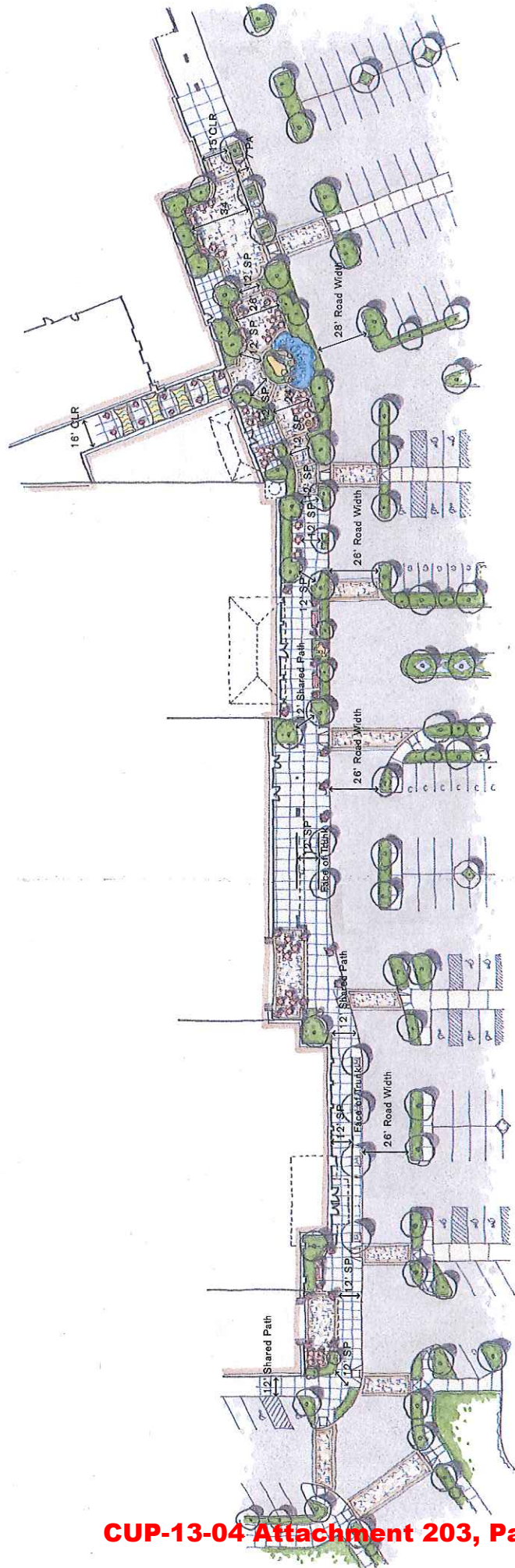


EXHIBIT Q 2-BUILDING FRONTAGE LANDSCAPE PLAN

June 28, 2013 | scale 1" = 20'-0"



ATTACHMENT 204

CUP-13-04: AMENDED ANALYSIS AND FINDINGS

NOTE: New text added after July 22, 2013 is indicated in Red Underline Text
Deleted text after July 22, 2013 is indicated by ~~Strikethrough~~

The approval criteria of the Tualatin Development Code (TDC) 32.030 must be met if the proposed Conditional Use Permits (CUP) listed are to be granted:

- Allow permitted uses of the Central Commercial (CC) Planning District to be located within development on property in the Commercial Office (CO) Planning District, Central Urban Renewal Plan Block 1.
- Allow "Outside storage or sales" for a development in the CC Planning District.

The Applicant prepared a narrative that addresses the CUP criteria (Attachment 202 and 203 ~~201, 202~~). Staff has reviewed the Applicants' material and included pertinent excerpts below.

1. The use is listed as a Conditional Use in the underlying planning district.

The Applicant is applying for conditional use permits to allow:

- The Nyberg Rivers Building 1040 retail use in the 24,000 sq. ft. northern portion of Building 1040 that is within the Commercial Office (CO) Planning District and CURD Block 1 (Parcel 2S124A 2700).
- An outdoor storage and sales area adjacent to the Nyberg Rivers Building 1040 that is within the Central Commercial (CC) Planning District (Parcels 2S124A2100 and 2S124B2507).

Within Central Urban Renewal District Plan (CURD) Block 1 and the Commercial Office (CO) Planning District "Uses Permitted in the Central Commercial (CC) Planning District" are listed as a conditional use, Tualatin Development Code (TDC) 50.030(2). The CC Planning District allows sporting goods stores and other various retail, professional and service uses as permitted, TDC 53.020.

The Nyberg Rivers Building 1040 is a proposed sporting goods store. A "sporting goods store" is a permitted use in the CC Planning District" as per TDC 53.020(45). Locating a portion of the Building 1040 sporting goods store use in the portion of the Building located in the CO Planning District CURD Block 1 is allowed as a conditional use.

"Outside storage or sales" is listed as a conditional use in the Central Commercial (CC) Planning District" TDC 53.050(5).

The Nyberg Rivers Building 1040 is a proposed sporting goods store. A "sporting goods store" is a permitted use in the CC Planning District" as per TDC 53.020(45). Locating a portion of the Building 1040 sporting goods store use in the portion of the Building located in the CO Planning District CURD Block 1 is allowed as a conditional use.

The south portion of the Nyberg Rivers Building 1040 is in the CC Planning District. The proposed outside storage and sales activity shown on the south elevation of Building 1040 is allowed as a conditional use.

Criterion 1 is met.

2. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

Size: The proposed Nyberg Rivers shopping center site is a commercial center project proposal to redevelop the former Kmart site and adjacent properties. The Nyberg Rivers project will encompass a net development area of approximately 26 acres on the 32 acre Primary Development Area (Attachments [201 and 202](#) ~~402, 204~~). The project site will be redeveloped through a Master Plan (MP-13-01) followed by Architectural Review with proposed seven (7) new one-level buildings with parking, landscaping, and access on SW Nyberg Street, SW Martinazzi Avenue and SW Boones Ferry Road. Existing Buildings A, B, D1, D2 and E-100 will remain. The former Kmart store and Jiggles Restaurant buildings will be demolished. Wendy's restaurant will be relocated.

The requested conditional uses are associated with the proposed new 110,000 square foot Building 1040 which is identified as a sporting goods retail store. A 24,000 square foot portion of building 1040 is located on the currently undeveloped 11 acre parcel 2S124A 2700 in the CO Planning District which has a minimum lot size of 10,000 square feet (TDC 50.050). The remainder of Building 1040 is located on parcels 2S124A2100 (8.8 acre) and 2S124B2507 (2.8 acre) in the CC Planning District which has a minimum lot size of 10,000 square feet (TDC 53.060). There is adequate room within the developed CO and CC portions of the site for the proposed uses associated with Building 1040. The site size is suitable for the uses requested.

Shape: The shape of the subject property is irregular and bounded by the Tualatin River, Interstate I-5, SW Nyberg Street and the City Hall/ Library Campus. The shape is suitable for the Nyberg Rivers development and the proposed uses associated with Building 1040.

- Location:** The Nyberg Rivers site is at the northwest corner of the I-5 Freeway Exit 289/Nyberg interchange, has extensive frontage adjoining the I-5 Freeway property and includes Tualatin River Greenway frontage where public access and natural area enhancements are identified. It is on the eastern edge of downtown Tualatin. To the west, the City Hall/Library campus directly abut the site and the Lake of the Commons is nearby. The Fred Meyer Shopping Center and the recently installed Gateway Feature are located south of the site. Nyberg Street and Tualatin-Sherwood Road adjoin the site to the south and will provide the primary access to the development. Martinazzi Avenue is west of the site an SW Boones Ferry Road is at the northwest corner. Both of these streets are intended to provide secondary access to the development. The subject Building 1040 location is at the center of the Nyberg Rivers site with new buildings, parking lots, a loading service area bordering.
- Topography:** The site is flat with little change in topography.
- Improvements:** The Nyberg Rivers development will occupy 26 acres of the former Kmart/Mercury Development shopping center and the associated properties shown on Attachment [201402](#). The Nyberg Rivers Master Plan proposes seven (7) new buildings, renovated and expanding parking areas, landscaping, loading and service areas, pedestrian and bicycle facilities, access improvements and public facility improvements for streets and stormwater. The subject Building 1040 is approximately 110,000 square feet in floor area.
- Natural Features:** The northern portion of the Nyberg Rivers site adjoins the Tualatin River and the Tualatin River Greenway (Attachment [201402](#)). The Nyberg Rivers Master Plan shows a 5.3 acre Natural Area that is currently set aside for preservation and restoration and is proposed to be enhanced as part of the development process for Nyberg Rivers. A shared pathway (Tualatin River Greenway) is shown on the plans extending from the I-5 Bridge to the proposed "Street A" public street at the northwest corner of the development site.

The applicant states: "The conditional use is proposed to be developed within an existing retail center. The site is already committed to large format retail with a mix of smaller and medium sized complementary commercial uses. The site is zoned CC and CO and allows and encourages the kinds of uses contemplated here. The Urban Renewal Plan further encourages redevelopment of this site with a denser mix of commercial uses to meet the redevelopment and economic development objectives of that Plan as discussed earlier in this application. The site size and shape allow an efficient layout of the uses with adequate parking and a well-designed landscape plan. Site topography is relatively flat with no steep grades. The location of the site is adjacent to the City's downtown and adjacent the I-5 corridor along Nyberg Street, a corridor already committed to large format retail development

and designed to accommodate commercial uses. As detailed above and incorporated herein by reference, the transportation system can safely accommodate the use and the development of the site will include several improvements to public facilities that will improve bicycle, pedestrian and vehicle movements in the area. The Tualatin River runs to the north of the site and will not be negatively impacted. In fact, the site development includes a dedication of a trail easement along the river for future development. Therefore, the characteristics of the site are suitable for the proposed use.”(Attachment [202 Excerpt from Application Materials](#) 201-Application-Narrative, page 67).

The current and proposed Nyberg Rivers center tenants are stores, banks, restaurants and services. The proposed use of Building 1040 is a sporting goods store. None of the existing or proposed center tenants are likely to have activities or business requirements in terms of access or parking that will have conflicts with the Building 1040 proposed commercial activities. The parking and access improvements associated with the Nyberg Rivers development and the proposed Building 1040 commercial activities will be addressed in the Master Plan and Architectural Review.

Given the features and improvements of the subject property listed above, it is concluded the characteristics of the site are suitable for the proposed uses.

Criterion 2 is met.

3. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

The applicant states:

“The findings above under the Master Plan and Urban Renewal Plan address the transportation facilities in the area and cite to the TIA completed for the proposed project. The scope of the TIA was first approved by Washington County and the City. The Applicant then conducted the analysis consistent with this scoping agreement. The analysis demonstrates that all study intersections will continue to operate at acceptable levels of service and that the development is timely considering the adequacy of transportation services. This conditional use request pertains to only 23,513 SF (Revised in Addendum 1 to 23,923 SF) of the sporting goods store and the outdoor storage and sales. These uses represent a small fraction of the uses identified in the TIA. Because the entire site and its associated density are consistent with the timely delivery of transportation facilities, so too is a small portion of that square footage subject to this conditional use request.”

“As discussed above, and incorporated herein by reference, the Applicant has proposed to complete the required infrastructure improvements to the water, sanitary sewer and stormwater systems that service the site. The proposed large format retail store is consistent with this requirement. (Attachment [202](#) 204, pp. 67-68)

Public sewer and water and storm will be addressed in the Nyberg Rivers Master Plan and Architectural Review and will be required to be adequate to serve the site and proposed use.

The proposal to allow Nyberg Rivers to add 24,000 square feet of retail store use in Building 1040 ~~for~~ development in the CO Planning District on Parcel 2700 and add approximately 7,000 square feet of outside storage and sales area to the proposed Building 1040 will not result in changes to the traffic analysis and transportation requirements of the Nyberg Rivers project. The transportation system, public facilities and services that are necessary for the Nyberg Rivers project as a whole will be considered in MP-13-01 and subsequent Architectural Review.

Based on staff review and analysis of the application, the existing public facilities for the site are adequate for the proposed retail use in the CO Planning District and the proposed outside storage and sales use for Building 1040. The development is timely.

Criterion 3 is met.

4. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

The subject portions of the Nyberg Rivers development are in the CO and CC Planning Districts and in Central Urban Renewal Districts Blocks 1 and 2. Surrounding land uses are: (Attachment ~~201~~ 402)

N:	CO	Tualatin River, Greenway, Proposed Natural Area.
	CO	Proposed Nyberg Rivers Building N-100 (Fitness Center)
E:	CC	Proposed Nyberg Rivers Buildings J-100, H-100
		Interstate I-5
S:	CC	Proposed Nyberg Rivers Buildings G-100, F-100,
		Building E-100 (Banner Bank)
		Fred Meyer, Nyberg Crossing (Across SW Nyberg Street)
W:	CC	Nyberg Rivers Buildings 1030, 1010, 1005
	RH	Heron's Landing Apartments

The property north and west of the subject portion of the Nyberg Rivers site is a residential development and the nearest building in the complex is approximately 120 feet from the closest corner of Building 1040. All the other adjoining development or development within Nyberg Rivers near the Subject Building 1040 is commercial and is or will be developed as a retail shopping center. The proposed outside sales area is shown on the south elevation of Building 1040 in the same location as public plaza and public walkway proposed in the Nyberg Rivers Master Plan.

The applicant states:

“The character of the area is defined by its existing and surrounding uses. The site itself is currently developed with a retail center. This application will permit the redevelopment of that center with a well-designed site plan, landscape plan and architectural elevations. New commercial uses will replace old commercial uses. Vacant and undesirable uses will be removed and replaced with a more family-friendly and active center. The Site Plan as proposed reflects the uses allowed in the underlying zoning district and contemplated in the Urban Renewal Plan. The transportation, pedestrian and bicycle network will be improved with this development, not only serving the subject site but contributing to greater circulation options for surrounding properties. In particular, the new loop road through the site will make the new connection between Boones Ferry, Seneca and Nyberg streets and the improvements along Nyberg will facilitate better traffic movements along the perimeter.

The surrounding properties are also zoned for like uses. The redevelopment of this site will complement and perhaps encourage future redevelopment on other surrounding parcels as more people are drawn to the downtown core by these economic redevelopment projects. The proposed use will not therefore alter the character of the surrounding area in a way that impairs, precludes or limits. Rather, redevelopment of this underutilized site in the Central Urban Renewal Area will more likely encourage similar redevelopment opportunities consistent with the underlying planning districts.” (Attachment [203 Excerpt from Addendum 1](#) 202-Application Narrative, pg. 5).

In Attachment [203](#) 202, pg. 7, the applicant goes on to state:

“The outdoor storage and sales area is illustrated in the attached Nyberg Rivers Conditional Use Exhibit, Exhibit I, dated 6/13/2013. This area is entirely within the CC District and is not located in whole or in part in the CO District. The outdoor storage and sales area is accessory to the use it is attached to, Cabela’s, and is not dedicated to any other use on the site. The size of this area is 6,993 square feet and the merchandise sold in this area is the merchandise that will be sold in the primary use. This merchandise is recreational equipment and sports outfitting.”

The proposed location of the Building 1040 retail use within the portion of the building that extends into the Commercial Office (CO) Planning District and CURD Block 1 is not an activity that will alter or impact the surrounding area in any significant way. Adding the retail use to the allowed development on the subject Parcel 2700 will not preclude development of permitted commercial office uses allowed in the CO District. The proposed commercial use allowed under Tualatin Development Code 50.030(2) meets the requirement of Criterion 4.

The Nyberg Rivers Master Plan narrative and plans (Attachment [203](#) 202, Exhibits Q1 and Q2) identify a “Multi-function Open Plaza” located between the south west corner of Building 1040 and the proposed Buildings 1030 and 1010 where there is an intersection of pedestrian and bicycle ways. The plaza is described as providing a community

gathering place that will include landscaping, art and pedestrian amenities as part of an “...enhanced pedestrian experience throughout Nyberg Rivers” (Attachment [203](#) 202, pg. 22). The proposed plaza plans show seating, canopies, awnings, landscape planters, water, fireplace and statuary features. The width of the open portions of the plaza ranges from approximately 20 ft. to 30 ft. with 10 ft. to 12 ft. wide aisles within the plaza. The area of the plaza is approximately 6,400 sq. ft., including the outdoor dining area associated with Building 1030 (food & beverage) and raised planters/sculpture/feature pads.

Also, the Master Plan site plan (Attachment [203](#) 202, Exhibit A, L, Q1 and Q2) show a primary pedestrian route and “linear” plaza across the front (south) elevations of the subject Building 1040 as well as west across Buildings 1030, 1010, 1005, D2 and D1. The walkway area includes raised planters, seating, sculpture features, canopies and outdoor dining/outdoor sales areas associated with the grocer and retailer storefronts. The width of the east west walkway/plaza surface is approximately 12-16 ft. while the passage way for pedestrians ranges from 8 ft. to 16 ft. taking into account raised planters, trees, and space devoted to dining/ retail activities. The pedestrian route will function as an attractive east/west connection across the Nyberg Rivers storefronts of the main center buildings as well as a connection north, south and west to other downtown locations including the Tualatin River, Library/City Hall Campus and commercial areas south.

In the Master Plan MP-13-01, the need for public gathering spaces and connections to civic areas are discussed in terms of the Central Urban Renewal Plan Goals and Objectives. Also the pedestrian and bicycle connections within the development are given importance.

The proposed “outdoor sales area” identified in Attachment [203](#) 202, Exhibit I shows the sales activity occupying portions of the plaza [proposed as the multi-function open plaza and the plaza seating area with fire pit.](#) ~~and pedestrian walkway across the front elevation of Building 1040. The proposed outside sales area also occupies approximately 12 ft. of the 22 ft. (as scaled by staff from Attachment [203](#) 202, Exhibit Q1 and Q2) wide paved walkway surface between the Building 1040 south exterior wall and the abutting drive aisle. This conflict reduces the [viability,](#) safety and desirability of a public outdoor space, allowing the outside sales use to restrict the area and amenity available for the public plaza and pedestrian walkway uses identified as important in the Master Plan. The proposed location of outside sales in the same space identified as public plaza [in the southwest corner of](#) and as adequate space for the pedestrian walkway on the front and main entry elevation of Building 1040 does not meet Criterion 4.~~

The applicant indicates that the proposed outside sales area will be for the Building 1040 sporting goods store tenant and states “This merchandise is recreational equipment and sports outfitting.” It is not clear what products will be offered in the outside sales area. The Building 1040 tenant has been identified as Cabela’s, a large

outdoor and sports equipment retailer. In a review of the proposed tenant's commercial offerings and provided in public comments at the Architecture Review Advisory meeting and in comment documents, the Cabela's firm commonly displays large sports recreation equipment outside the building at store locations. Typically, the merchandise displayed outside of the stores includes tents and shelters, canoes, kayaks, outboard and inboard powered boats, trailers and motorized ATVs. Merchandise is typically displayed on the pavement or on large racking systems.

Staff notes that marine craft sales, trailer sales, and ATV sales are not permitted uses in the Central Commercial Planning District and sale of such would not meet Criterion 4. It is also noted that sporting goods stores commonly sell paddle craft such as canoes, kayaks, paddle boards, inflated fishing tubes, etc. and would be considered a permitted use in the CC Planning District. To ensure that outdoor sales for the Building 1040 is in compliance with the standards of the CC Planning District and meets Criterion 4 staff recommends a condition of approval for outdoor sales that restricts sales and display of outboard and inboard powered boats, trailers and motorized ATVs.

To meet the suitability requirements of Criterion 4, staff recommends the following conditions of approval for the proposed outside storage and sales use:

1. Recreational equipment, apparel and sports outfitting sales are prohibited in areas identified as public gathering, multi-function open plaza and plaza seating with fire pit in the approved Master Plan Exhibit Q1 Building Frontage landscape plan.
- ~~2. Outside sales areas on the south elevation of Nyberg Rivers Building 1040 shall be located in a manner that provides a minimum of 12 feet in clear, unobstructed width for walkways or accessways through a plaza or along the building frontage.~~
3. Outdoor sales and display of outboard and inboard powered boats, trailers and motorized ATVs are prohibited.

The Conditional Use applications will allow retail sales in Parcel 2700 portion of the Nyberg Rivers Building 1040 and allow with conditions outside storage and sales on the south elevation of Building 1040. Based on the applicant's submitted information, review by staff, with the approval of the proposed Nyberg Rivers Master Plan and with the conditions of approval listed above, it is concluded that the proposal will not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying Planning Districts.

Criterion 4 is met.

5. The proposal is consistent with plan policies.

Staff identified one Tualatin Community Plan objective in TDC Chapter 6 (Commercial Planning Districts) that apply to the proposed commercial development activities in the CC Planning District and is relevant to the CO District as well.

Section 6.040(4) states, “To provide areas for a full range of retail, professional and service uses of the kinds usually found in downtown areas patronized by pedestrians. Civic, social and cultural functions that serve the general community are also appropriate. The Central Commercial Planning District is almost entirely within the downtown portion of the urban renewal area. The Urban Renewal Plan contains extensive development policies and design standards that apply to this district. These policies and standards are intended to help create a village atmosphere in the downtown area.”

The Nyberg Rivers shopping center development proposed in Master Plan MP-13-01 is subject to the objectives and standards found in the Central Urban Renewal District Plan. These will be evaluated in the Master Plan review process which will be followed by Architectural Review for the development. The proposal to develop the Nyberg Rivers as a commercial center, extend the retail activities into the Commercial Office portion of the site and propose outside storage and sales for one of the Nyberg Rivers buildings is suitable at this location.

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above findings and analysis and with the recommended conditions of approval, the Nyberg Rivers Conditional Use permit application allowing CC Planning District permitted uses in the CURD Block 1/CO Planning District and to allow outside storage and sales on the south elevation of the proposed Building 1040 in the CC Planning District meets the criteria of TDC 32.030.



Nyberg Rivers

Conditional Use Permit Public Hearing

City Council August 7, 2013

CUP-13-04 Attachment 205, Page 1



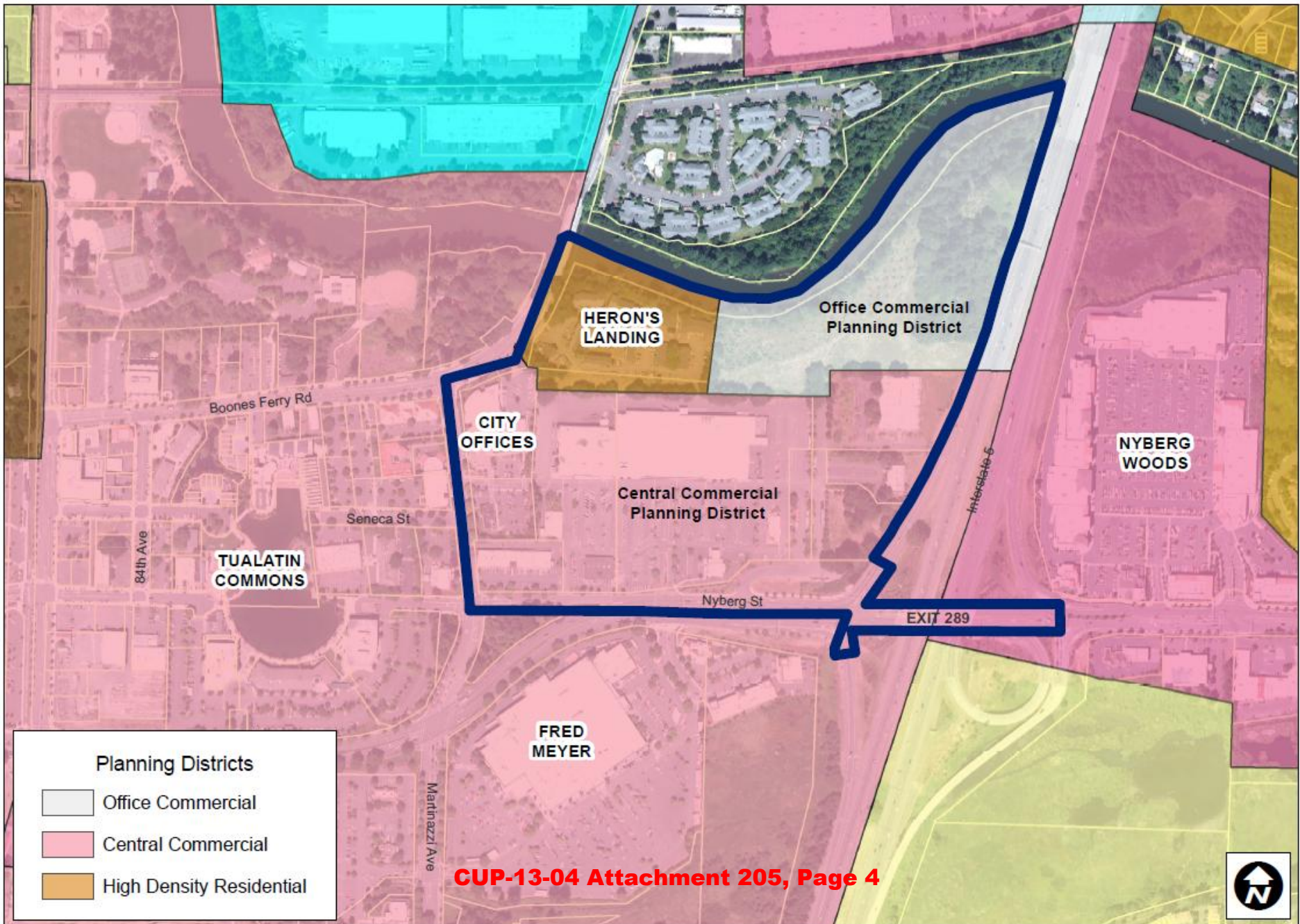
Meeting Purpose

- **Conditional Use Permit Public Hearing:**
Application to allow:
 - Commercial (Retail) uses in a Commercial Office Planning District
 - Outside Storage and Sales in a Central Commercial Planning District



Conditional Use Overview

- **Why a Conditional Use?**
 - The Nyberg Rivers development site, specifically, the proposed major tenant building, is split between Commercial Office and Central Commercial Planning Districts
 - In order to allow retail in the Commercial Office and outdoor storage and sales in Central Commercial, a Conditional Use Permit is needed
- **What is a Conditional Use Permit?**
 - Outlines and allows for proposed conditional uses
- **What has been the process to date?**
 - March: Neighborhood Developer Meeting
 - April: Application Submitted
 - July/August: City Council Review and Direction



Proposed Site Plan





Review of Application

Important Dates

- Submitted Application on April 22, 2013
- Deemed Complete on May 22, 2013
- 120-day review period ends on Sept. 19, 2013

Analysis and Findings

- Staff finds that the proposed Conditional Use Permit meet the five review criteria, subject to conditions.

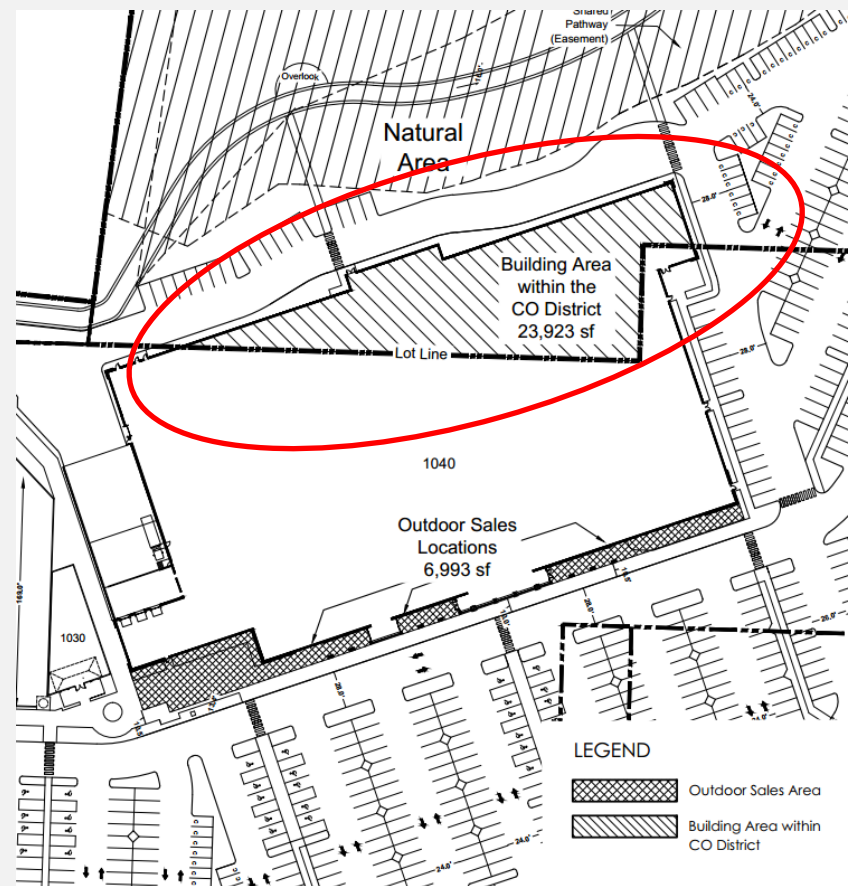


Review of Application

Retail Uses in Commercial Office (CO)

Sporting Goods Store

- Allowed as a conditional use in Commercial Office (CO) on Block 1 of the CURD.



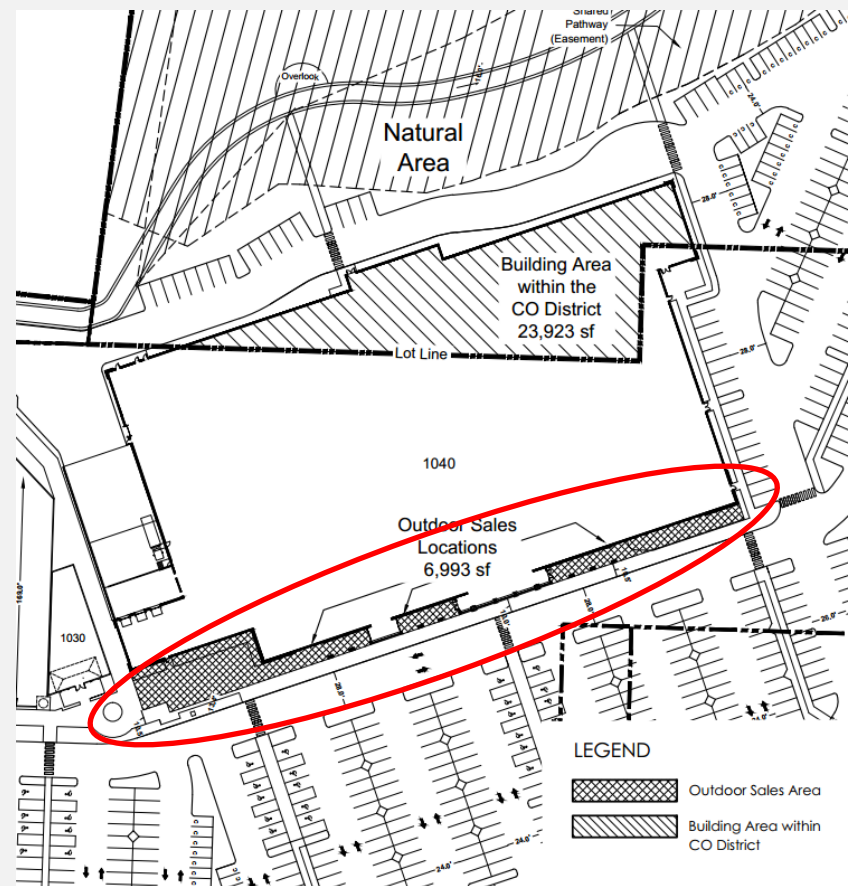


Review of Application

Outside Storage and Sales in Central Commercial (CC)

Outside Sales

- Allowed as a conditional use in Central Commercial (CC)





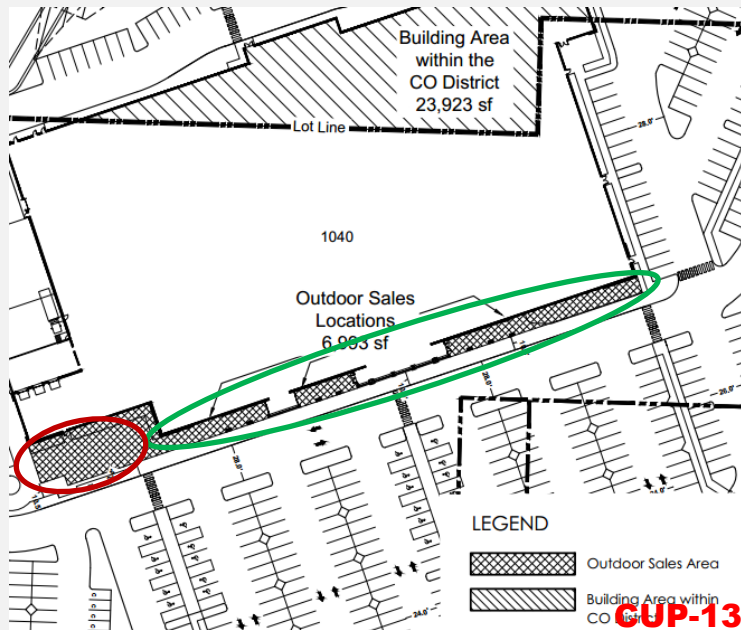
Proposed Conditions of Approval

Goal 4: Civic Development

Condition:

Recreational equipment, apparel and sports outfitting sales are prohibited in the public gathering place identified below.

Boats, trailers, and ATVs are prohibited



Legend

○ Not Allowed

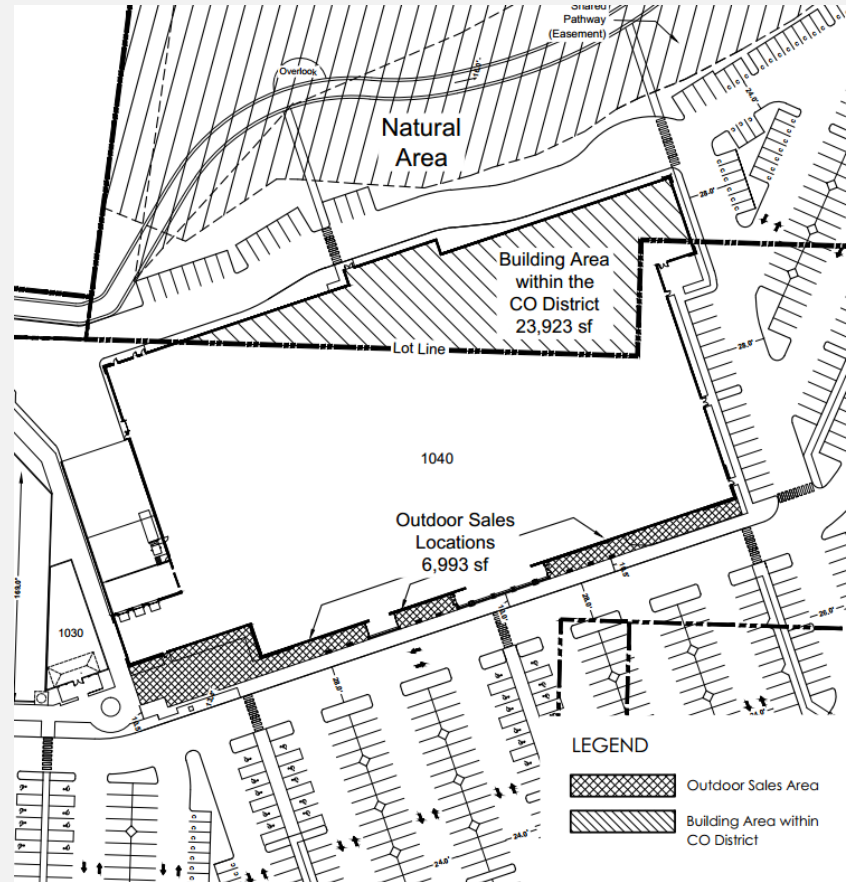
○ Allowed





Possible Council Actions

- Approve
- Approve with Conditions
- Deny





Next Steps

If the Conditional Use Permit is approved, these are the next steps:

