



City of Tualatin

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NOTICE OF ADOPTION

On June 18, 2015, the City of Tualatin Planning Commission adopted Resolution No. 05-15TPC (File No. SVAR-15-01) granting a resolution for the Sign Variance at Cabela's in the Office Commercial (CO) and Central Commercial (CC) Planning District at 7555 SW Nyberg Street (Tax Map and Tax Lot 2S1 24B 2100, 2S1 24A 2507 and 2700).

A copy of the resolution is also available for review at the Tualatin Community Development Department – Planning Division located at 18880 SW Martinazzi Avenue from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Appeal of land use decisions is commenced by filing a Request for Review with the City Council as provided in Tualatin Development Code 31.075 and 31.076. The Request for Review must be filed not later than 14 days after the date the decision sought to be reviewed becomes final.

Date notice mailed: June 30, 2015

file: SVAR-15-01

RESOLUTION NO. [05-15TPC]

A RESOLUTION GRANTING THE REQUEST FOR A TEMPORARY BANNER SIGN VARIANCE FOR CABELA'S STORE LOCATED IN THE OFFICE COMMERCIAL (CO) AND CENTRAL COMMERCIAL (CC) PLANNING DISTRICT LOCATED AT 7555 SW NYBERG STREET (TAX MAP AND TAX LOT 2S1 24B 2100, 2S1 24A 2507 AND 2700) (SVAR-15-01)

WHEREAS, upon the application by Cabela's via Radler, White, Parks, and Alexander, a quasi-judicial public hearing was held before the Tualatin Development Commission on June 18, 2015, relating to the request for a temporary banner sign variance for the property located at 7555 SW Nyberg Street (Tax Map and Tax Lot 2S1 24B 2100, 2S1 24A 2507 and 2700); and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 31.064; and

WHEREAS, the Commission heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the quasi-judicial public hearing the Commission voted to grant the request for a sign variance; and

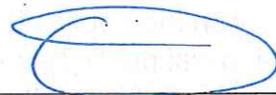
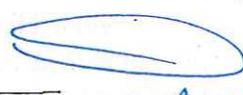
NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION, OREGON, THAT:

Section 1. Cabela's is granted a variance from the height requirements in TDC 38.110(5)(f) and a variance from the maximum square foot requirements in TDC 38.110(5)(f) related to temporary banner signs, subject to the following conditions:

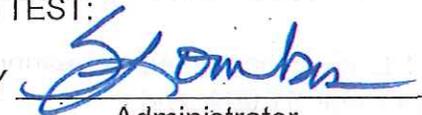
- A. Prior to installation of any temporary banner sign, Cabela's must apply for, and receive, a sign permit;
- B. Temporary banners signs cannot exceed 10-feet in height;
- C. Temporary banners signs cannot exceed 120 square feet of total sign face;
- D. Temporary banner signs are only allowed on the front face of the building (the southeast elevation);
- E. Only one temporary banner sign may be erected on the building at any one time;
- F. The total amount of time that a temporary banner sign, or combination of temporary banner signs, may affixed to the building is 60 days in any one calendar year.
- G. This variance only applies to Cabela's and does not apply to any new tenants of this building.

ADOPTED this 18TH day of June, 2015

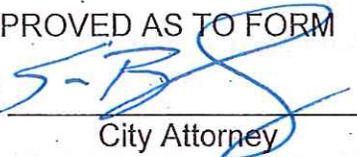
TUALATIN PLANNING COMMISSION

BY  
Chairman ALAN W. APUN

ATTEST:

BY 
Administrator

APPROVED AS TO FORM

BY 
City Attorney



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

THROUGH: Aquilla Hurd-Ravich, Planning Manager

FROM: Clare Fuchs, Senior Planner

DATE: 06/18/2015

SUBJECT: Sign Variance for Cabela's store in the Office Commercial (CO) and Central Commercial (CC) planning district at 7555 SW Nyberg Street (Tax Map and Lot 2S1 24B 2100, 2S1 24A 2507 and 2700) (SVAR-15-01) (Quasi-Judicial)

ISSUE BEFORE TPC:

A request for a Sign Variance that would allow: 10-foot high banners and 120 square foot banners instead of 3-foot maximum height and 42 square foot banners the code allows.

RECOMMENDATION:

Staff recommends the Planning Commission consider the staff report and supporting attachments and provide direction.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing for a sign variance request, before the Planning Commission
- The applicant is Radler, White, Parks, and Alexander, representing Cabela's. TUALA Northwest, LLC is the owner of the tax lot 2100, 2507, and 2700 located at 7555 SW Nyberg Street in the CC and CO Planning District. The property is part of the Nyberg Rivers Shopping Center. Nyberg Rivers consists of banks, restaurants, and retail. The other stores new or refurbished tenants include: Michael's, Home Goods, LA Fitness, Pieology, Wendy's, and New Seasons. The vicinity of the site includes commercial development to the south, City offices to the west, an apartment complex to the north and I-5 to the east. A Vicinity Map, a Tax Map and a Site and Plan Designation Map are included as Attachments 101, 102, and 103 respectively. The applicant's materials including elevations with the proposed signage are included as Attachment 104.
- Cabela's is a new 110,000 square foot store retail store.
- The Sign Code allows wall temporary banners with the following standards:
TDC 38.110 (5) Banner Signs. A temporary banner sign may be erected subject to the

following limitations and after first obtaining a sign permit.

(a) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts.

(b) One per tax lot may be displayed, or in institutional, commercial and industrial planning districts one per lease space may be displayed by a tenant.

(c) Except as set forth in (g) below, a banner shall be erected on a building wall and secured to prevent it from flapping in the wind.

(d) Except as set forth in (g) below, a banner shall not be erected sooner than 30 calendar days prior to a new business opening.

(e) Except as set forth in (g) below, a banner shall be displayed at least seven days and may be displayed up to 60 days, but the total number of days for all banners displayed on a property shall not exceed 60 days in a calendar year.

(f) Except as set forth in (g) below, the banner shall be no greater than three feet in height from top to bottom and 42 square feet in area.

(g) Public schools are permitted banner signs subject to the following standards. (See TDC 38.110 (5)(g) for the full text)

APPLICANT'S REQUEST:

- Cabela's would like to erect several banners (one at a time) for a short period of time leading up to their special events and sales. These events include things like Black Friday, Summer Clearance, and Fall Great Outdoor Days. The applicant is aware and will abide by the Tualatin Development Code that says temporary banners cannot be erected on a building for more than 60 days in a calendar year in total.
- The Cabela's application proposes two variances to allow front (southeast elevation) temporary banners with a maximum height of 10-feet and 120 square feet overall. Normally, 3-foot high banners with a total sign area of 42 square feet would be allowed. Only one banner is requested to be erected at a time.
- The Applicant has prepared a narrative that describes the sign variance requests and addresses the Sign Variance approval criteria (Attachment 104). The criteria are listed below:
 - TDC 33.022(1): *"A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and such conditions are a result of the lot size or shape or topography over which the applicant has no control.*
 - TDC 33.022(2): *"The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner of the company, or from regional economic conditions.*
 - TDC 33.022(3): *"The variance is the minimum necessary to eliminate the hardship."*

- TDC 33.022(4): *“The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district however, nonconforming or illegal sign on the subject property or on nearby properties shall not constitute justification to support a variance request.”*
 - TDC 33.022(5): *“The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity.”*
 - TDC 33.022(6) *The variance shall not be detrimental to the applicable Sign Design Objectives, [TDC 20.030](#).*
- Staff has reviewed the Applicant’s material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment 105).
 - The application was submitted on March 31, 2015 and determined complete on April 30, 2015. The statutory 120th day within which a decision must be made is August 27, 2015. This hearing is on day 49. On May 28, 2015 a public hearing notice was mailed to property owners within 1,000 feet of the subject property including the entire phase of a subdivision with a portion within 1,000 feet.
 - The applicable policies and regulations that apply to the proposed Sign Variance include: TDC 6.030 Commercial Planning District Objectives; TDC 20.030-Sign Design Objectives; TDC Chapter 33-Variations; TDC Chapter 38-Sign Regulations.
 - Before granting the proposed sign variance, the Planning Commission must find that the sign variance criteria 1-6 listed in TDC 33.022 are met: The Analysis and Findings (Attachment 106) examines the application in respect to the criteria for granting a Sign Variance. In the Analysis and Findings, staff finds that the applicant has demonstrated that Sign Variance Criteria 1-6 have been met.
 - If approved, the applicant will need to submit for a sign permit from the Planning Divisions for each temporary banner erected.

PUBLIC INVOLVEMENT

The applicant conducted a Neighborhood/Developer meeting at the Tualatin Public Library on March 17, 2015 to explain the Sign Variance proposal to neighboring property owners and to receive comments. A few people attended the meeting and one comment was submitted.

Comment: Citizen stated that granting sign variance will have a "domino effect"

Staff Response: Granting a sign variance is not an automatic process. Each application must be considered individually and the Chapter 33 Variance criteria must be met.

OUTCOMES OF DECISION:

Approval of the Sign Variance request will result in the following:

- Allows Cabela's to obtain two variances for sign permits and erect temporary banners up to ten (10) feet in height and a total of 120 square feet in area. Otherwise, the maximum banner height would be 3-feet high and the maximum sign square footage would be 42 square feet.

Denial of the Sign Variance request will result in the following:

- The applicant will not be to erect 10-foot high, 120 square foot temporary banners on the Cabela's store. Cabela's banners will be limited to 3-feet in height and 42 square feet.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Commission are:

- Approve the proposed Sign Variance with findings to support a determination that the applicant has met each of criteria 1-6 in TDC 33.022.
- Deny the request for the proposed Sign Variance with findings that state which criteria in TDC 33.022 the applicant has failed to meet.
- Ask that the applicant modify their request and resubmit.
- Continue the discussion of the proposed Sign Variance and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The applicant submitted the required \$675.00 fee with the Sign Variance SVAR-15-01 for two sign variances.

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- Attachments:** [Attachment 101 - Vicinity Map](#)
 [Attachment 102 - Tax Map](#)
 [Attachment 103 - Plan Designation Map](#)
 [Attachment 104 - Application Materials](#)
 [Attachment 105 - Analysis and Findings](#)
 [Attachment 106 - Presentation](#)
 [Attachment 107 - Resolution](#)



CANCELLED TAX LOT NUMBERS
2400, 2504, 1301, 701, 800, 100, 101, 102
103, 104, 105, 200, 300, 400, 401, 500, 600
700, 800, 1000, 1100, 1200, 1300, 1400
1500, 1600, 1700, 1800, 1900, 2000, 2100
2200, 2300, 2500, 2501, 2501-A1, 2501,
2505, 2509.

COUNTY

CLACKAMAS

TUALATIN
2S I 24A

FOR ASSESSMENT PURPOSES ONLY
DO NOT RELY ON FOR ANY OTHER USE

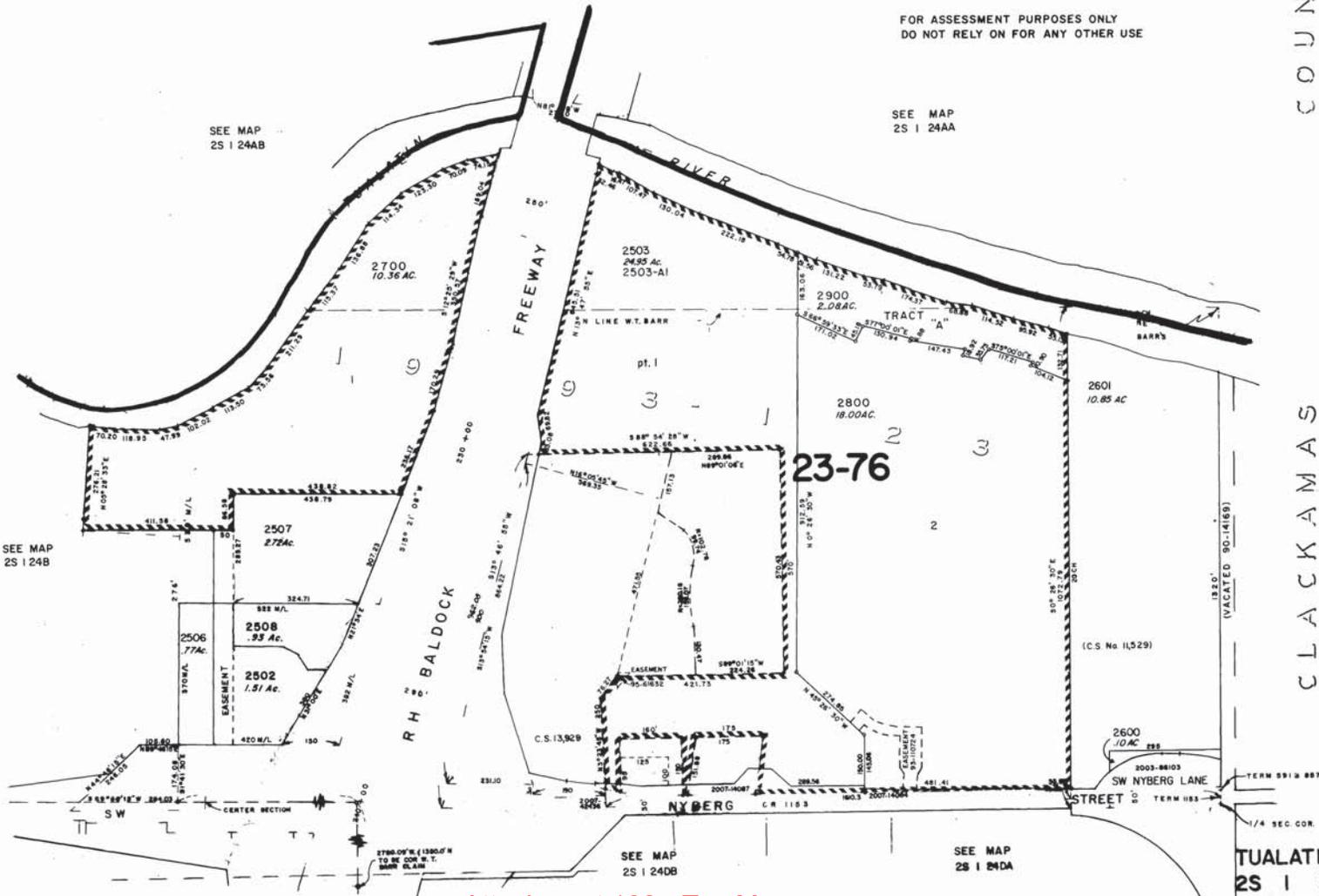
SEE MAP
2S I 24AA

SEE MAP
2S I 24AB

SEE MAP
2S I 24B

SEE MAP
2S I 24DB

SEE MAP
2S I 24DA



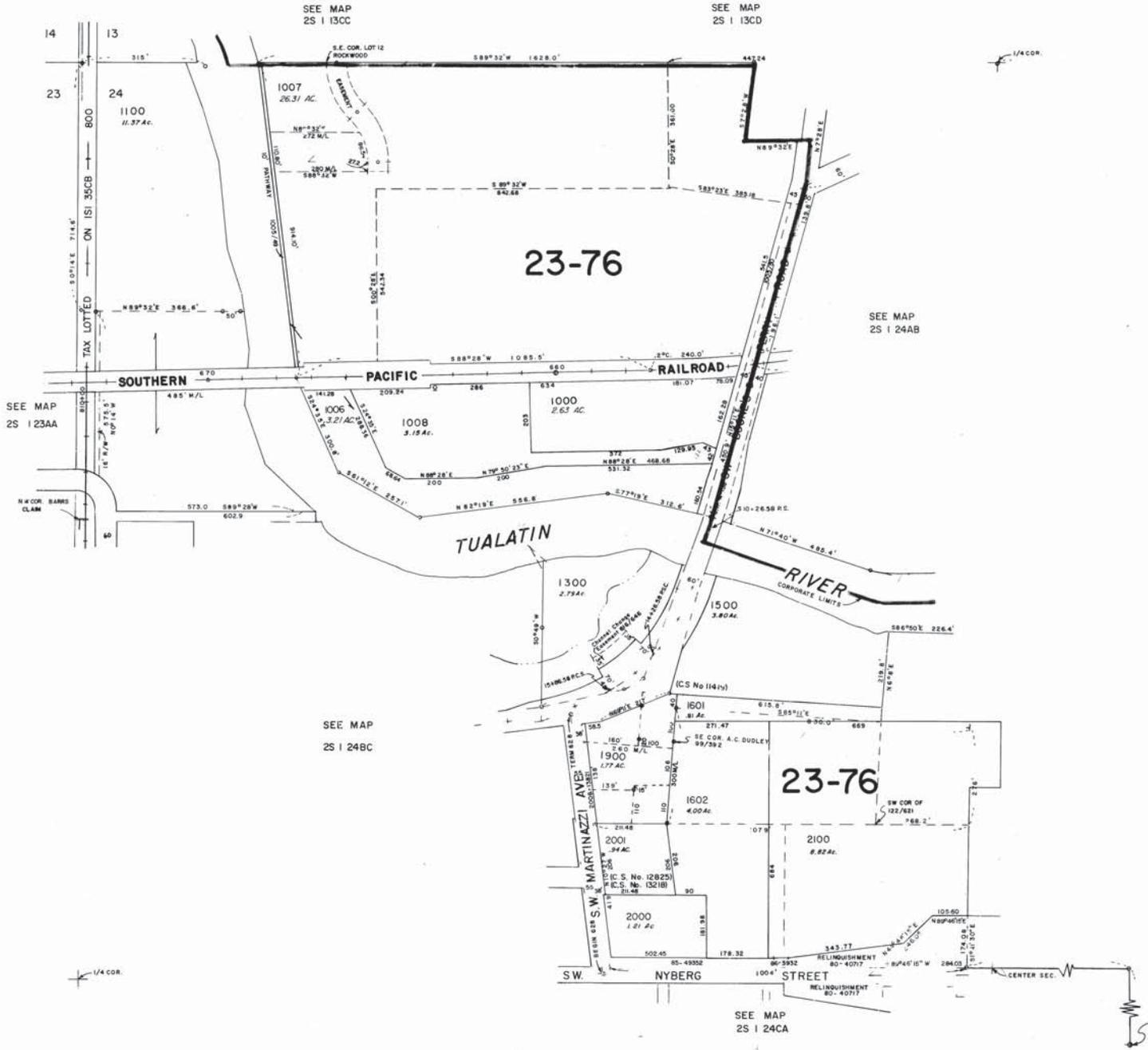
NW1/4 SECTION 24 T2S RIW W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=200'

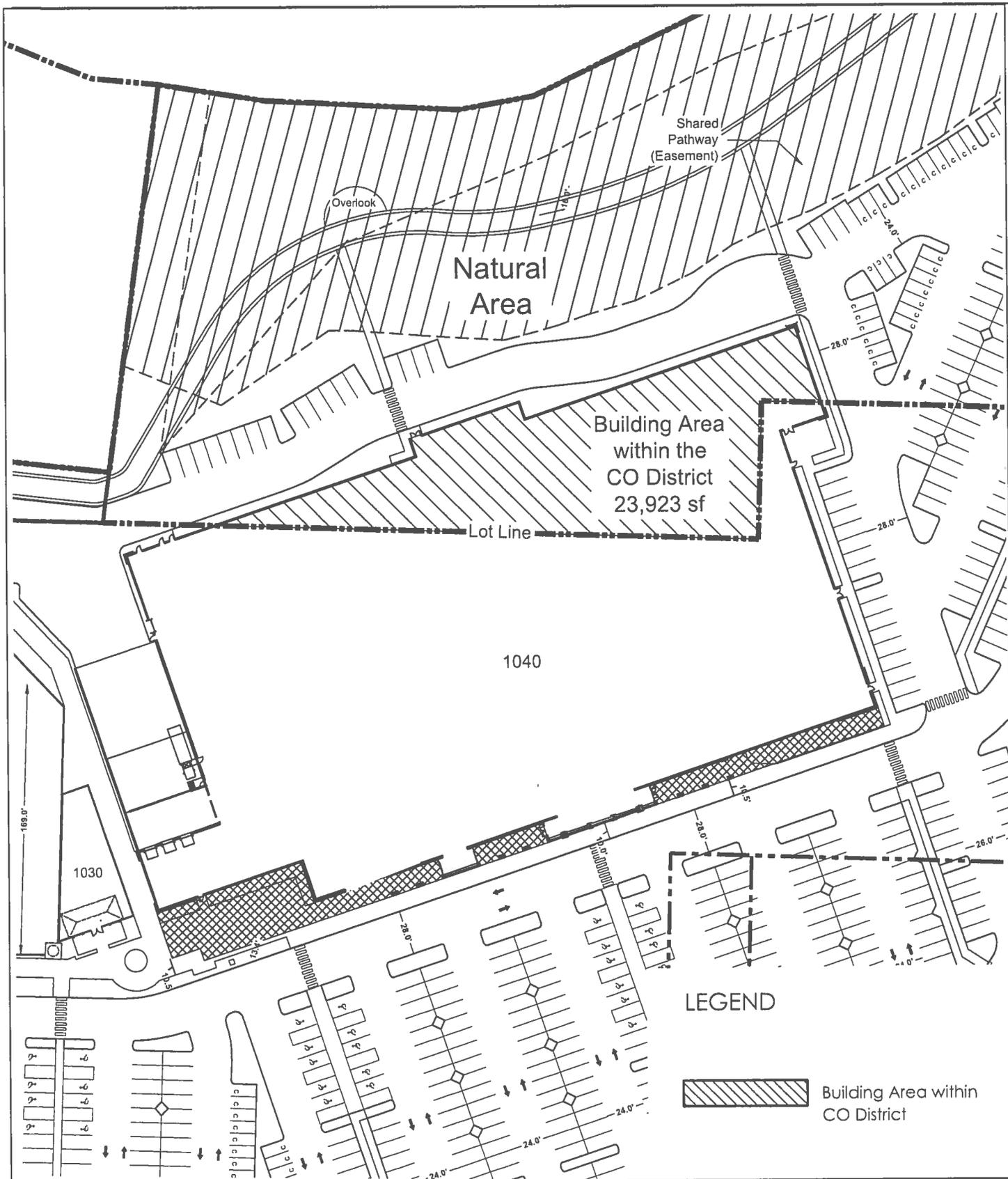
2S | 24B

CANCELLED TAX LOTS
1003, 1004, 1401, 2101, 1001, 1002,
1005, 100, 101, 102, 200, 300, 400,
401, 402, 403, 404, 500, 600, 700,
701, 800, 900, 1400, 1200, 1400,
1700, 1800, 1007-A1, 1007-A2,
1602-A4



FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

J.S.W. 3/17/23



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

Nyberg Rivers

CenterCal
 Tualatin, Oregon

PROJECT NO. 21198310

BY: RG

SCALE: 1" = 80'

SHEET NO. —

**“NECESSARY PARTIES”
MARKED BELOW**

NOTICE OF APPLICATION SUBMITTAL

- | | | |
|---|---|--|
| <input type="checkbox"/> ANNEXATION | <input type="checkbox"/> CONDITIONAL USE PERMIT | <input type="checkbox"/> PLAN TEXT AMENDMENT |
| <input type="checkbox"/> ARCHITECTURAL REVIEW | <input type="checkbox"/> PLAN MAP AMENDMENT | <input checked="" type="checkbox"/> OTHER: SIGN VARIANCE |

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

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

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

City Staff

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

Neighboring Cities

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

- Wilsonville Planning Div.

Counties

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

Regional Government

- Metro

School Districts

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

State Agencies

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

Utilities

- Republic Services (Allied Waste)

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

Additional Parties

- Tualatin Citizen Involvement Organization (CIO)
- DKS,



City of Tualatin

www.tualatinoregon.gov

SIGN VARIANCE APPLICATION

BUSINESS NAME Cabela's CONTACT PERSON Christe White PHONE 971.634.0204

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

APPLICANT'S NAME CenterCal Properties, LLC PHONE 310.563.6900

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

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

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

PROPERTY OWNER'S NAME TUALA Northwest, LLC PHONE 503.799.8324

ADDRESS 5638 Dogwood Drive CITY Lake Oswego STATE OR ZIP 97035

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

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

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

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

VARIANCE REQUEST

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

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

PROJECT INFORMATION

PLANNING DISTRICT CO & CC PROPOSED/EXISTING USE Retail

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

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

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

Sign Variance Case No. _____

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

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

Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Protect and enhance property values.

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

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

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

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

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

Conclusion

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

Letterhead (if available)

(Date)

(Name)

(Address)

(City, State Zip)

RE: (Project name, description, location)

Dear Property Owner:

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

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

Regards,

(Your name)

(Company name)

(Contact phone number and email)

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

Applicant's Name: Christe White
(PLEASE PRINT)

Applicant's Signature: 

Date: 2/27/15

NOV. 29 - DEC. 24

CHRISTMAS WITH CABELA'S

WRAP UP A TRADITION



Cabela's

BLACK FRIDAY DOORBUSTERS

STARTS FRIDAY 5 A.M. - NOV. 28

5 HOURS ONLY

AUG. 7 - AUG. 13

WATERFOWL CLASSIC 2014

Cabela's

SUMMER CLEARANCE

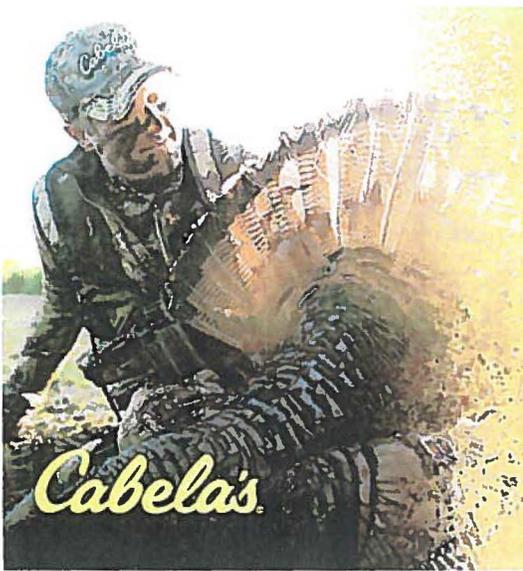
JULY 10-20

LADIES' DAY OUT
OCT. 18

Cabela's

SUMMER CLEARANCE

JULY 10-20

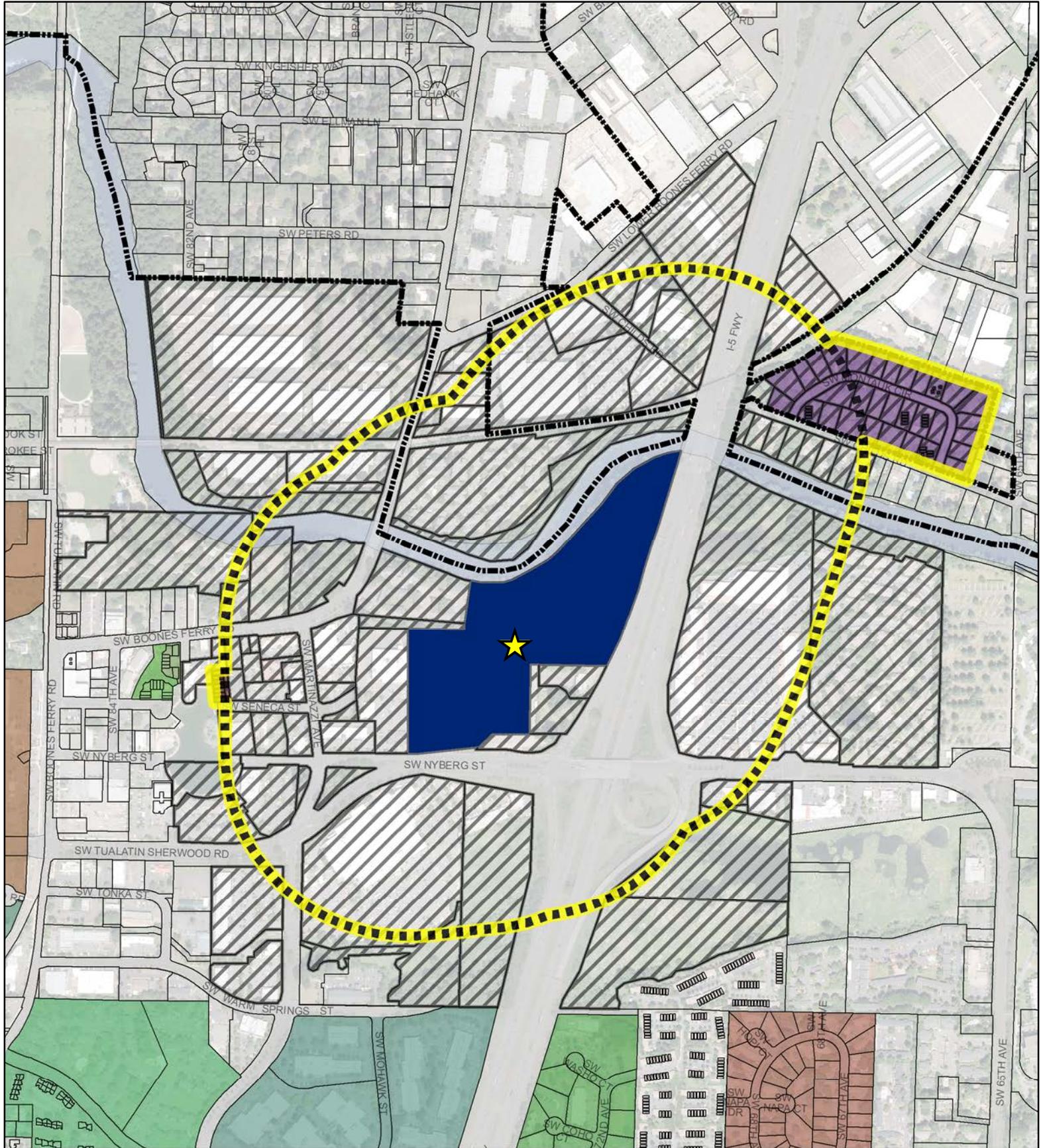


Cabela's

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

**FALL GREAT
OUTDOOR
DAYS**
AUG. 14 - SEPT. 1

**FAMILY GREAT
OUTDOOR
DAYS**
MAY 1-14



1000' Buffer



1000' Buffer with Subdivisions



Selected Taxlots

Attachment 104 - Application Materials





NOTICE

SIGN VARIANCE

SVAR-15-01

For more information call

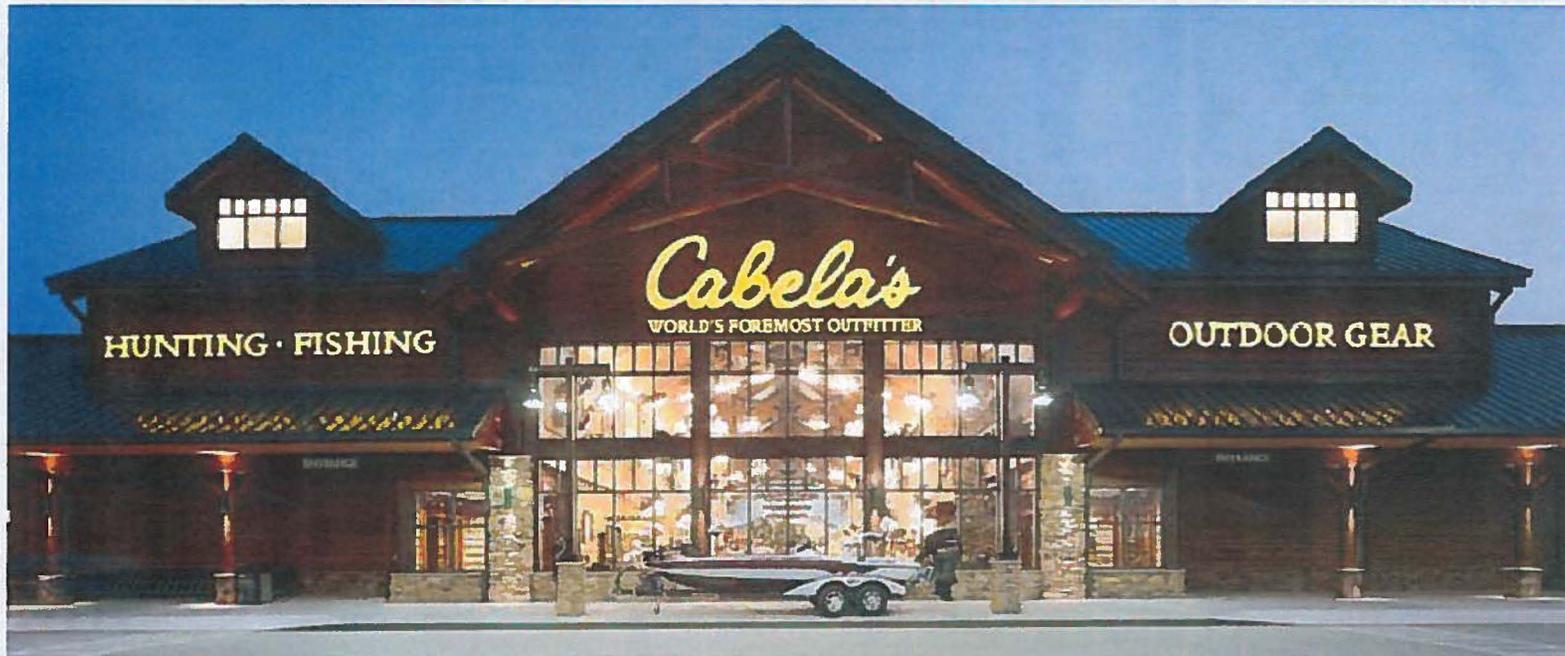
503-691-3026 or visit

www.tualatinoregon.gov

Cabela's Sign Variance Meeting

March 17, 2015
6:00 p.m.

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



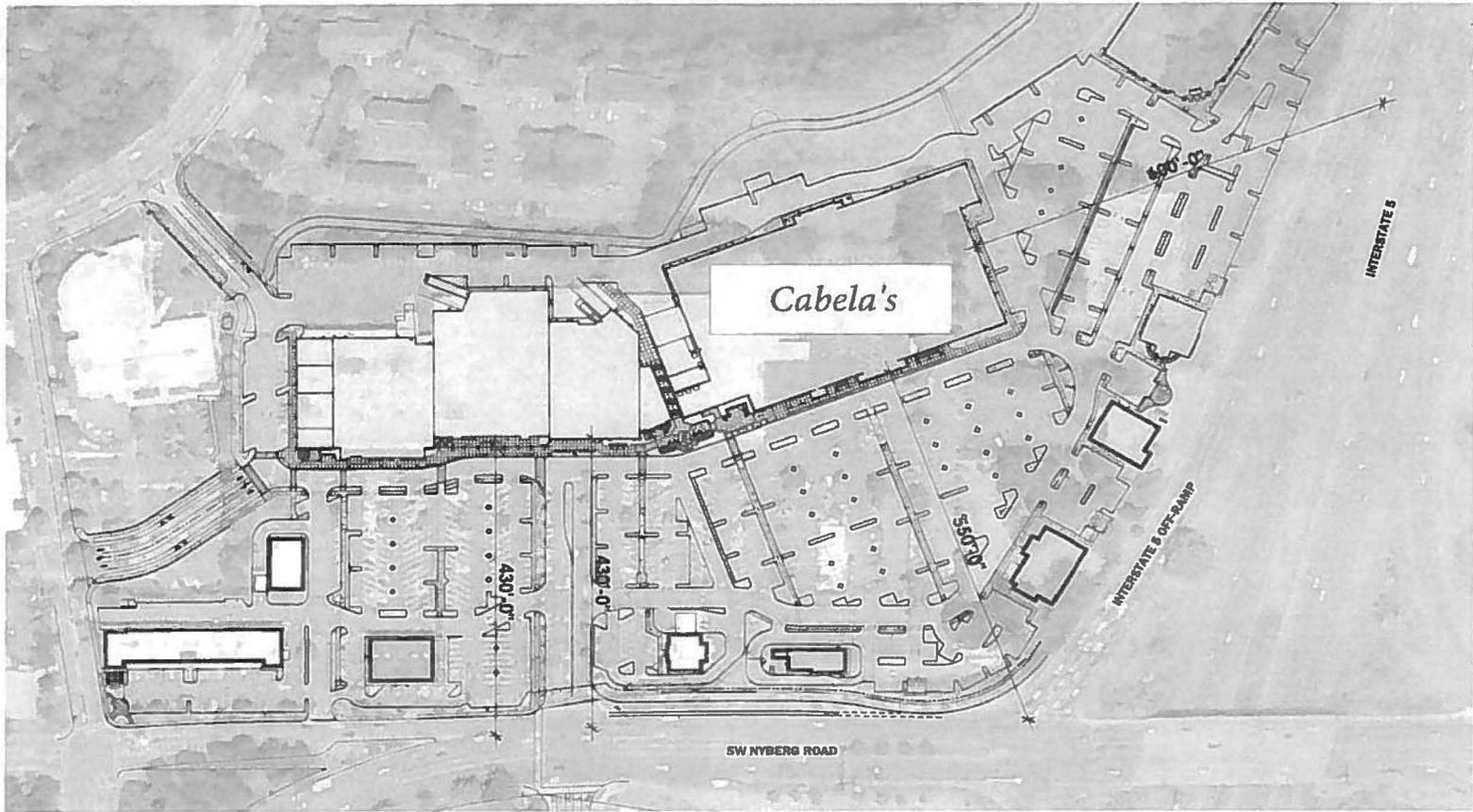


EXHIBIT A

CABELA'S RETAIL PRELIMINARY DRAWINGS PLANNING OF

HBA
HARDY BROS. ARCHITECTS
1700 20th Street, Suite 100
Boulder, CO 80502

10/03/13
PR 125111



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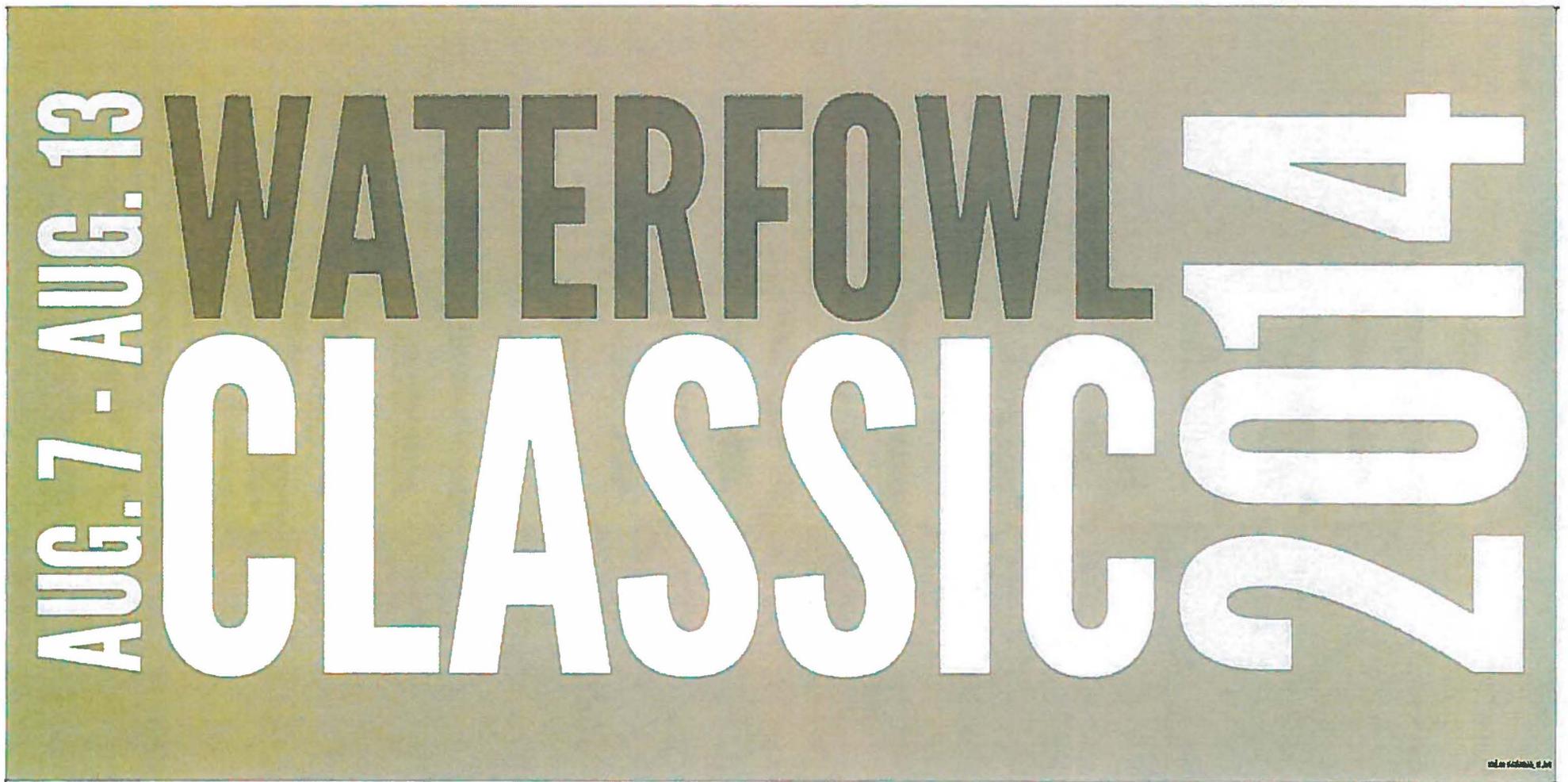
NOV. 29 - DEC. 24

CHRISTMAS WITH CABELA'S®

WRAP UP A TRADITION



Cabela's
BLACK FRIDAY DOORBUSTERS
STARTS FRIDAY 5 A.M. - NOV. 28 **5 HOURS ONLY**



LADIES' 18
DAY OUT OCT.

Cabela's®

SUMMER CLEARANCE

JULY 10-20



Cabela's

**SPRING GREAT
OUTDOOR
DAYS**

FEB. 27 - MARCH 23

© 2011 Cabela's Inc.



FAMILY GREAT DAYS
OUTDOOR **MAY 1-14**

OCT. 30-NOV. 9

DEER
CAMP

SALES

1041 DeerCamp 2x11

Notes from Neighborhood Meeting: March 17, 2015

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

Comment:

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

Response:

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

Comment:

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

Response:

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

February 27, 2015

NEIGHBORHOOD MEETING NOTICE

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

Dear Property Owner:

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

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

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

Christe White
On behalf of CenterCal Properties, LLC

971.634.0200

Enclosure(s)

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

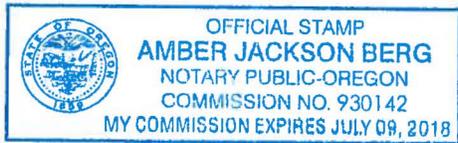
I, Christe White, being first duly sworn, depose and say:

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



Signature

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





Notary Public for Oregon
My commission expires:

RE: Cabela's Wyking Rivers (9 banners)

Exhibit B

February 27, 2015

NEIGHBORHOOD MEETING NOTICE

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

Christe White
On behalf of CenterCal Properties, LLC

971.634.0200

Enclosure(s)

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

<p style="text-align: center;">NOTICE</p> <p style="text-align: center;">NEIGHBORHOOD / DEVELOPER MEETING</p> <p style="text-align: center;">__/__/2010 __:__.m.</p> <p style="text-align: center;">SW _____</p> <p style="text-align: center;">503-____-____</p>	18"
24"	

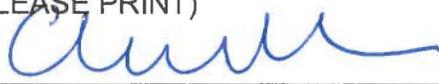
In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254,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

As the applicant for the

Cabelas Myberg Rivers project, I

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

Applicant's Name: Christie White
(PLEASE PRINT)

Applicant's Signature: 

Date: 2/27/15

NOTICE

NEIGHBORHOOD / DEVELOPER MEETING

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

8513 SW TUALATIN RD.

503.691.3061

SIGN VARIANCE CERTIFICATION OF SIGN POSTING



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

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

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

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

SVAR-15-01

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

ATTACHMENT 105

SVAR-15-01: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 33.022(1)-(6) must be met if the proposed Sign Variance to allow Cabela's temporary banners with larger square footage is to be granted. The Applicants prepared a narrative that addresses the Sign Variance criteria (Attachment 104). Staff has reviewed the Applicants' material and included pertinent excerpts with each of the criteria in the analysis and findings below.

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

The Cabela's Sporting Goods Store is located on the 34 acres, tax map and lot numbers 2S1 24B 2100 and 2S1 24A 2700 subject property located at 7555 SW Nyberg Street in the Central Commercial (CC) and Office Commercial (CO) Planning District. The property is part of the Nyberg Rivers Shopping Center. Cabela's is located south of LA Fitness, east of Michael's, Home Goods, and New Seasons. The development also includes Wendy's, Banner Bank, US Bank, Red Robin, Pieology, and other retail uses.

The Cabela's application proposes the following:

- 1) A **variance** to allow 120 square foot temporary banners on the main front (south) side of the building.

The building's square footage is 110,000 square feet.

These factors show in part that the size of Cabela's is an unique size for retail in Tualatin. The grade of the lot also affects the visibility of signage. The above surface structure of the I-5 ramp and down to SW Nyberg Street put the store at a much lower grade. The freeway ramp and the road were graded this way prior to the applicant coming to the property. Staff finds that this creates a situation over which the applicant has no control. Adding fill to this property to ramp the building up would cause drainage, aesthetic, and environmental issues. The grade difference creates visibility challenges for Cabela's.

These criteria are met.

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

As stated above one of the hardships is a result of the construction of I-5. The ramp was constructed over the freeway to connect with SW Nyberg Street. This created a grade much higher than the subject site. This grade difference creates a visual hardship over which the applicant has no control.

These criteria are met.

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

The applicant states that the exhibits demonstrate that the proposal is the minimum necessary to alleviate the hardship (Attachment 104). The size is large enough for the words to be recognized from I-5, the off-ramp, and the SW Nyberg Street Bridge over I-5. The proposal is proportional with the size of the building.

These criteria are met.

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

The applicant states that the distance away from arterials and I-5 would make a 42 square foot temporary banner too small in scale for traffic to read. The distance to the street for all other uses makes their sign square footage sufficient, the case is different for Cabela's. Cabela's has a larger façade than any other use in the development.

These criteria are met.

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

The proposed signage will not cause detriment to the public health, safety, or welfare of citizens. Placement of these signs on the building will not cause visual clutter or interfere with driving vision clearance.

These criteria are met.

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

Section 20.030 Objectives.

The following are the City's Sign Objectives.

- (1) Preserve the right of free speech exercised through the use of signs.**

The proposal will allow Cabela's to maintain their free speech through temporary banner signs proportional to the size of their building.

- (2) Protect the public health, safety and welfare.**

This proposal does not help or hurt public health, safety or welfare. Therefore, the proposal will not be detrimental to this standard.

- (3) Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians.**

The temporary banners propose no movement or flashing that could be distracting to drivers or other traffic.

- (4) Protect persons and property from unsafe and dangerous signs due to natural forces, including but not limited to wind, earthquakes, precipitation and floodwaters.**

- (5) Protect persons and property from unsafe and dangerous signs due to improper construction, repair and maintenance.**

Temporary banners are required to be securely fastened to the wall.

- (6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.**

Staff finds that the size of the proposed signage is proportional to the size of the approved building. Therefore, the visual appearance of the building will be enhanced by the proposal.

- (7) Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin.**

Cabela's was approved as part of a Master Plan and Architectural Review Board process. The architecture and placement of building was exhaustively reviewed and analyzed for an optimized public pedestrian climate and streetscape.

(8) Protect and enhance property values.

The success of Cabela's will help the local economy and thereby help to sustain property values.

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

Adequate signage contributes to the protection and enhancement of commercial property values. It also helps ensure the commercial success of a major anchor store at Nyberg Rivers. A successful shopping center will enhance the property values of the property owner and contribute to the City's economy.

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

The variance would allow one banner to be erected at a time. In total banners can only be erected in total for 60 days in a calendar year. So regardless of the number of banner erected a year, a banner can only be on the building for 60 days in a calendar year. The banners are only allowed on the front façade (southeast elevation). These restrictions will prevent sign clutter.

(11) Allow greater sign heights and dimensions for Major Commercial Centers.

Nyberg Rivers is a major commercial center. This proposal would allow greater sign dimensions at Cabela's in the Nyberg Rivers Shopping Center.

(12) Allow only temporary signs on a property with no building.

Cabela's has permanent wall signs, these temporary banners are not meant to replace the permanent signs. This code section requires that permanent signs be placed on building instead of temporary sign on a permanent basis. This is not the case in this situation.

(13) Allow no new permanent sign, or a change of face on an existing permanent sign, on a property with an unoccupied building.

(14) Allow permanent signs only on buildings, or parts of buildings, that are occupied.

This sign variance is for temporary banners, so these sections do not apply.

(15) Regulate the number, height and dimensions of temporary signs.

Temporary signs will still be regulated if the variance is granted.

(16) In the manufacturing and institutional planning districts allow permanent freestanding monument signs, but not permanent freestanding pole signs.

(17) In the residential planning districts sign numbers, heights and dimensions for dwelling units shall be restricted and for conditional uses shall be consistent with the use.

(18) Allow indirect and internal illumination in residential planning districts for conditional uses.

The subject site is a commercial planning district.

(19) Allow greater sign diversity in the Central Urban Renewal District's Central Design District for uses on properties abutting the City owned promenade around the Lake of the Commons.

The subject site does not abut the Lake of the Commons; however this proposal will allow more diversity in signage in the area.

(20) The wiring for electrically illuminated freestanding signs shall be underground and for wall signs shall be in the wall or a race.

(21) Adopt sign regulations for the Mixed Use Commercial Overlay District that are consistent with the type and high quality of developments desired in the District. New sign types to be allowed are wall-mounted plaques and inlaid floor signs.

(22) Adopt Sign Design standards and a Sign Design Review process for freestanding signs in commercial districts that encourage attractive and creative signage with varied design elements such as proportionally wider sign bases or pylons, a mix of exterior materials that have a relationship to building architecture, use of dimensional lettering and logos with halo or internal lighting and is consistent with the high quality of developments desired in commercial districts.

(23) In Central Commercial and General Commercial planning districts, allow permanent freestanding monument signs on Arterial Streets, and restrict permanent freestanding pole signs to Collector or Local Commercial Street frontages.

(24) Create an incentive for improvement of existing freestanding signs and adopt provisions allowing non-conforming freestanding signs in commercial districts to retain non-conforming sign status when structurally altered subject to improved compliance with Sign dimension and Sign Design standards. [Ord. 960-96, §4, 5/28/96; Ord. 1120-02, 11/15/02; Ord. 1176-04, 11/22/04; Ord. 1216-06, 7/24/06; Ord. 1261-08 §1, 6/9/08.; Ord. 1302-10 §1, 5/24/10]

These above criteria do not apply to the proposal. No freestanding sign are proposed. This proposal does not look to change the sign code. These criteria are met.

Staff Conclusion

Based on the application and the above findings and analysis, the staff finds the proposed Cabela's sign variance request for temporary banners signs meets Criteria 1-6 in TDC 33.022.

**Sign Variance
SVAR-15-01**

Cabela's Temporary Banners
June 18, 2015





SVAR-15-01 Vicinity Map



City of Tualatin

Attachment 106 - Presentation

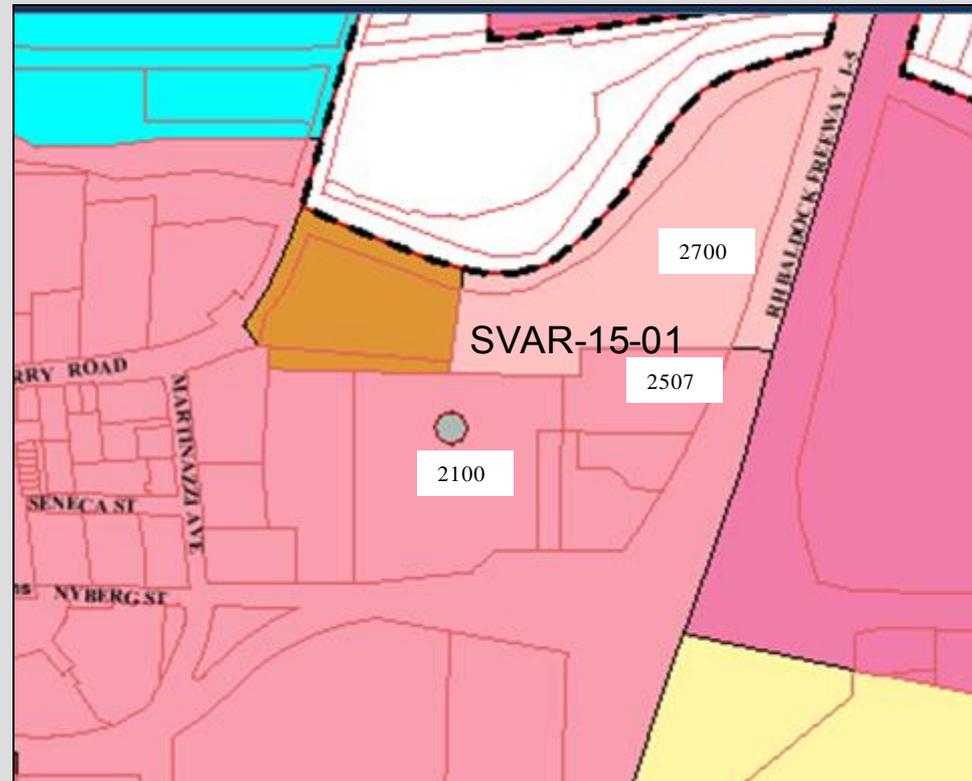


Current Planning District Map

Office Commercial (CO)



Central Commercial (CC)



City of Tualatin

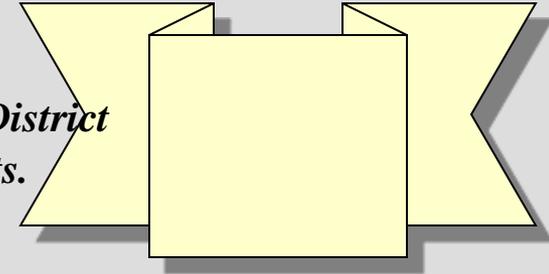
Attachment 106 - Presentation



Temporary Banner Sign Code

(5) Banner Signs. A temporary banner sign may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts.



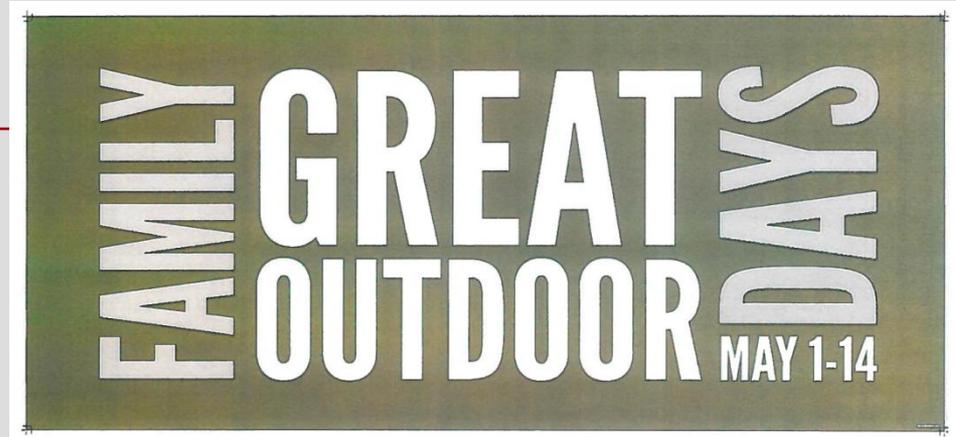
(b) One per tax lot may be displayed, or in institutional, commercial and industrial planning districts one per lease space may be displayed by a tenant.

(c) Except as set forth in (g) below, a banner shall be erected on a building wall and secured to prevent it from flapping in the wind.





Temporary Banner Sign Code Cont'd



(d) Except as set forth in (g) below, a banner shall not be erected sooner than 30 calendar days prior to a new business opening.

(e) Except as set forth in (g) below, a banner shall be displayed at least seven days and may be displayed up to 60 days, but the total number of days for all banners displayed on a property shall not exceed 60 days in a calendar year.

(f) Except as set forth in (g) below, the banner shall be no greater than three feet in height from top to bottom and 42 square feet in area.



Variance Request

1. Up to 10-foot high banners.
2. Up to 120 square feet.

Variance Request

Allowed by TDC





Variance Criteria

- **TDC 33.022(1):** *“A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and the conditions are a result of lot size or shape or topography over which the applicant or owner has no control.”*
- **Grade of store so close to aerial exit ramp and bridge blocks sight lines. This is a unique situation.**
- **TDC 33.022(2):** *“The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or from the financial situation of the applicant or owner or the company, or from regional economic conditions.”*
- **Cabela’s, owner or previous owners not responsible for construction of I-5 through property.**
- **TDC 33.022(3):** *“The variance is the minimum remedy necessary to eliminate the hardship.”*
- **The smallest variance is requested to remedy the hardship and is proportional to the building size.**



Variance Criteria Continued

- **TDC 33.022(4):** *“The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district, however, nonconforming or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request.*
- **Smallest size requested than make up for the hardship and proportional to the building.**
- **TDC 33.022(5):** *“The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity.”*
- **Sign does not flash or move, and will not hurt public health or safety.**
- **TDC 33.022(6):** *“The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030.”*
- **Sign is proportional, building permit must be obtained, successful store will help Tualatin economy.**



Decision Alternatives

- Approval
- Approval with Amendments
- Request for applicant to Modify
- Denial